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# PENNSYLVANIA BULLETIN

Volume 41

Number 29

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Pages 3801—3952

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Development

Department of Environmental Protection

Department of Health

Department of Public Welfare

Fish and Boat Commission

Housing Finance Agency

Insurance Department

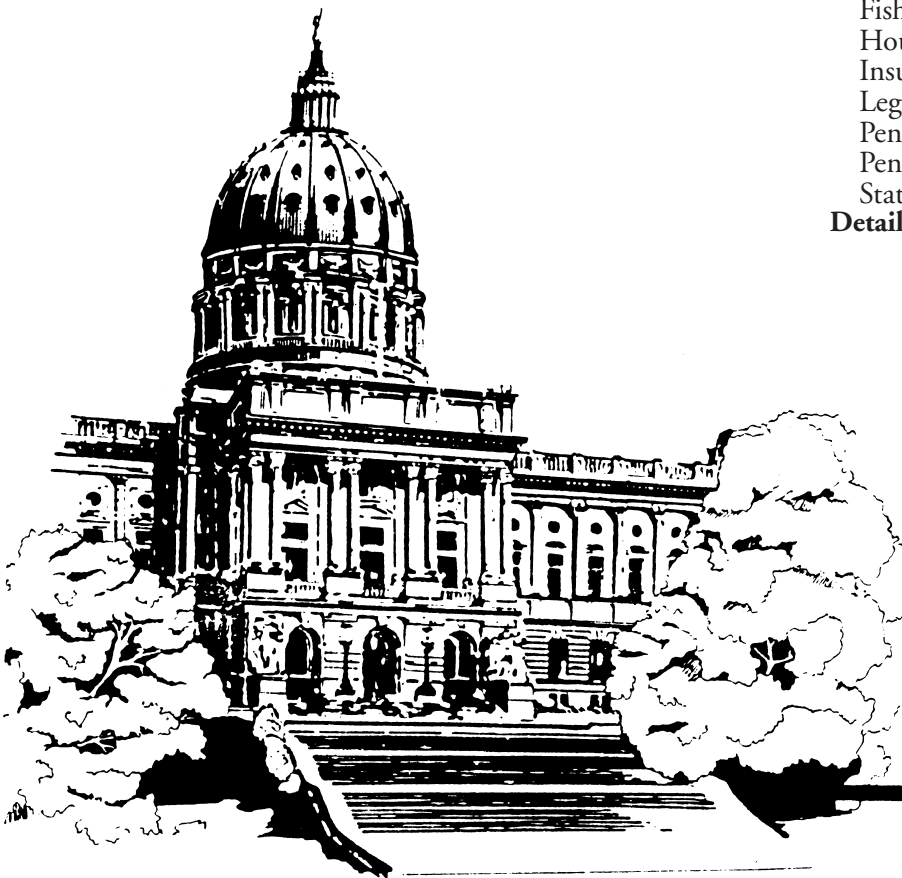
Legislative Reference Bureau

Pennsylvania Gaming Control Board

Pennsylvania Public Utility Commission

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**No. 440, July 2011**

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## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

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## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2011.

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# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 1 AND 5 ]

### Proposed Amendments to Pa.Rs.Crim.P. 119 and 500

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 119 to clarify that two-way audio-visual communications in certain court proceedings may be used absent the defendant's consent if otherwise permitted by law and to revise the Comment to Rule 500 to state that nothing in that rule prevents the taking or preservation of testimony outside the presence of the defendant, if authorized by law. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rule precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635

fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

no later than Friday, September 2, 2011.

By the Criminal Procedural Rules Committee:

RISA VETRI FERMAN,  
Chair

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

##### PART A. Business of the Courts

#### Rule 119. Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings.

\* \* \* \* \*

(B) If otherwise authorized by law, two-way simultaneous audio-visual communications may be used in a proceeding specified in (A)(1) through (A)(6).

(C) The defendant may consent to any proceeding being conducted using two-way simultaneous audio-visual communication.

[ (C) ] (D) When counsel for the defendant is present, the defendant must be permitted to communicate fully and confidentially with defense counsel immediately prior to and during the proceeding.

#### Comment

\* \* \* \* \*

**Notwithstanding the preclusion of the use of two-way simultaneous audio-visual communications in the proceedings listed in paragraph (A)(1) through (A)(6), there may be occasions when such communications may be used, absent the defendant's consent, when otherwise authorized by law. See, e.g., 42 Pa.C.S. § 5985. See also Commonwealth v. Atkinson, 987 A.2d 743 (Pa.Super. 2009).**

Within the meaning of this rule, counsel is present when physically with the defendant or with the judicial officer conducting the criminal proceeding.

\* \* \* \* \*

**Official Note:** New Rule 118 adopted August 7, 2003, effective September 1, 2003; renumbered Rule 119 and Comment revised June 30, 2005, effective August 1, 2006; amended January 27, 2006, effective August 1, 2006; Comment revised May 4, 2009, effective August 1, 2009; **amended 2011, effective, , 2011.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the May 4, 2009 revision to the Comment adding PCRA hearings as a proceeding to which the defendant may consent to be held using ACT published with the Court's Order at 39 Pa.B. [ 2434 ] 2435 (May 16, 2009).

**Report explaining the proposed amendments concerning witness testimony and allowance by law of using ACT published at 41 Pa.B. 3811 (July 16, 2011).**

#### CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

##### PART A. Preservation of Testimony

#### Rule 500. Preservation of Testimony After Institution of Criminal Proceedings.

##### (A) BY COURT ORDER.

(1) At any time after the institution of a criminal [ proceedings ] proceeding, upon motion of any party, and after notice and hearing, the court may order the taking and preserving of the testimony of any witness who may be unavailable for trial or for any other proceeding, or when due to exceptional circumstances, it is in the interests of justice that the witness' testimony be preserved.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

This rule does not address the admissibility of the preserved testimony. All questions of admissibility must be decided by the court. See, e.g., Judicial Code § 5917,

42 Pa.C.S. § 5917 (1982); *Commonwealth v. Scarborough*, 491 Pa. 300, 421 A.2d 147 ([ Pa. ] 1980); *Commonwealth v. Stasko*, 471 Pa. 373, 370 A.2d 350 ([ Pa. ] 1977).

\* \* \* \* \*

Nothing in this rule is intended to preclude the defendant from waiving his or her presence during the taking of testimony.

**Nothing in this rule is intended to prevent the taking or preservation of testimony outside the presence of the defendant, if authorized by law. See 42 Pa.C.S. § 5984.1**

\* \* \* \* \*

**Official Note:** Rule 9015 adopted November 8, 1982, effective January 1, 1983; amended March 22, 1989, effective July 1, 1989; renumbered Rule 500 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , 2011, **effective** , 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed Comment revision concerning witness testimony outside the presence of the defendant published at 41 Pa.B. 3811 (July 16, 2011).**

## REPORT

### *Proposed Amendments to Pa.R.Crim.P. 119 and Revision of the Comment to Pa.R.Crim.P. 500*

#### **Testimony Using Advanced Communications Technology when Authorized by Law**

Rule 119 authorizes the use of two-way simultaneous audio-visual communications in many criminal proceedings. However, paragraph (A) of the rule lists six categories of proceedings in which such technology is not permitted. Paragraph (B) permits a defendant to consent to using this technology in any proceeding. It was suggested to the Committee that the use of this technology may be permitted even in these six types of proceedings if there is a strong public policy reason, usually codified by statute, to permit its use, and concluded that a narrow reading of Rule 119 might suggest that the use of such method of testimony would be precluded under the rules unless the defendant consented.

This concept was recognized by the Superior Court in *Commonwealth v. Atkinson*, 987 A.2d 743 (Pa.Super. 2009). *Atkinson* was a drug trafficking case in which a witness, a co-conspirator who was incarcerated, was permitted to testify at a suppression hearing via a video link to the prison in which he was being held. This was done solely due to transportation difficulties. The Superior Court found that permitting the presentation of this testimony in this manner violated the defendant's confrontation rights without being superseded by a "compelling state interest" that would warrant it.<sup>1</sup>

The Committee considered what would be an example of a "compelling state interest." The members noted that 42 Pa.C.S. § 5985 provides that the court may permit the testimony of a child victim or material witness to be taken using the "contemporaneous alternative method." Under this method, a child victim may be permitted to testify before a limited number of people who are actually

physically present during the child's testimony. In particular, the defendant would not be present but must be able to hear and observe the testimony, presumably by audio-visual communication technology. In order to utilize this method of testimony, it must be demonstrated that the child-witness would suffer real harm if compelled to testify in the presence of the defendant; in other words, there is a compelling state interest warranting the use of audio-visual communications technology in these cases.

The Committee also examined the history of Rule 119, which was first adopted in 2003. In developing this rule, the Committee at the time focused on the use of the audio-visual communications to permit a defendant who was likely confined to participate in proceedings without the expense and transportation difficulties. The impetus for the Committee's examination of the practice was proposed legislation that provided for a defendant's appearance for proceedings to be handled electronically. Additionally, the Committee was receiving reports of a number of courts across the state that were conducting proceedings in this manner but in a piecemeal fashion. Therefore, the rule was developed to provide for more uniform procedures and prevent legislation that would have unconstitutionally impinged on Court's rulemaking authority.

While the main focus of discussion was upon the defendant's right to be present, the Committee did consider the issues related to testimony of witnesses, including the recording of witness' testimony electronically. The Committee concluded that these types of procedures were addressed adequately in Rules 500 and 501. During this discussion, the Committee also acknowledged the use of audio-visual communications to actually present testimony rather than just record it. The Committee at that time concluded that the consent of the parties would be necessary to handle testimony taken in this fashion due to the impact this procedure might have on a defendant's confrontation rights.

The Final Report issued when Rule 119 was adopted contains the Committee's view that, "when the criminal proceeding is one that requires rigid protection of the defendant's rights and the integrity and fairness of the judicial process, any rule addressing this type of procedure must be one capable of providing two-way simultaneous audio-visual communication, and allow for confidential communications between the defendant and defendant's counsel."<sup>2</sup> The parameters for utilizing the "contemporaneous alternative method" in 42 Pa.C.S. § 5985, in addition to meeting the "compelling state interest" standard, are consistent with these requirements. The Committee concluded that acknowledgement of the existence of this or similar procedures would be compatible with the Committee's original intentions for Rule 119.

The Committee therefore is proposing to add to Rule 119 a new paragraph (B) to state: "If otherwise authorized by law, two-way simultaneous audio-visual communications may be used in a proceeding specified in (A)(1) through (6)." This language is further clarified in the Comment along with a cross-reference to *Atkinson* and to 42 Pa.C.S. § 5985.

In order to clarify that the same concept also applies to cases in which testimony is preserved prior to trial, the Committee is suggesting an addition to the Rule 500

<sup>1</sup> The Superior Court further held that the error was harmless because it was cumulative of other evidence presented in the hearing.

<sup>2</sup> Rule 119 Final Report, 33 Pa.B. 830 (August 30, 2003).



Comment to indicate that that rule is not intended to preclude the taking of evidence outside the defendant's presence if otherwise provided by law.

[Pa.B. Doc. No. 11-1172. Filed for public inspection July 15, 2011, 9:00 a.m.]

#### [ 234 PA. CODE CH. 4 ]

### **Proposed Amendments to Pa.Rs.Crim.P. 403, 407, 408, 412, 413, 422, 423, 430, 454, 455 and 456**

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules of Criminal Procedure 403, 407, 408, 412, 413, 422, 423, 430, 454, 455, and 456. This Supplemental Report resulted from the Committee's review of the correspondence received after publication of our original Report that explained the Committee's proposal that would establish new procedures in summary cases in which a defendant fails to respond to a citation or a summons. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Supplemental Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Supplemental Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the Rules precedes the Supplemental Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635

fax: (717) 231-9521  
e-mail: criminal.rules@pacourts.us

no later than Friday, September 2, 2011.

By the Criminal Procedural Rules Committee:

RISA VETRI FERMAN,  
Chair

#### **Annex A**

### **TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES**

#### **PART B. Citation Procedures**

#### **Rule 403. Contents of Citation.**

\* \* \* \* \*

(B) The copy delivered to the defendant **also** shall [ **also** ] contain a notice to the defendant:

\* \* \* \* \*

(4) that failure to respond to the citation as provided above within the time specified:

(a) [ **shall result in the issuance of a summons when a violation of an ordinance or any parking offense is charged, or when the defendant is under 18 years of age, and in all other cases shall result in the issuance of a warrant for the arrest of the defendant; and** ] shall constitute consent by the defendant to have the issuing authority enter a not guilty plea on behalf of the defendant so the case will proceed in the same manner as all other summary cases; and

(b) shall result in the suspension of the defendant's driver's license when a violation of the Vehicle Code is charged;

(5) that failure to indicate a plea when forwarding an amount equal to the fine and costs specified on the citation shall result in a guilty plea being recorded; [ **and** ]

(6) **that failure to pay the fine, costs, and restitution may result in the issuance of a bench warrant for the arrest of the defendant, the referral of the collection of the fines, costs, and restitution to a collection agency, and a contempt proceeding being instituted; and**

(7) that, if the defendant is convicted or has pleaded guilty, the defendant may appeal within 30 days for a trial *de novo*.

#### **Comment**

\* \* \* \* \*

[ Paragraph (B)(4)(a) provides for notice to the defendant who is under 18 years of age that a summons will be issued if the defendant fails to respond to the citation. ]

The 2011 amendments to paragraph (B)(4)(a) provide notice to the defendant that one of the consequences of failing to respond to the citation is that the issuing authority will enter a not guilty plea on behalf of the defendant. Thereafter, the case will proceed in the same manner as all other summary cases under the rules.

\* \* \* \* \*

The 2011 amendments to paragraph (B)(6) provide notice to the defendant of some of the consequences of failing to pay any fine, costs, and restitution following a conviction. In these cases, the issuing authority may issue a bench warrant and may refer the collection of the fines, costs, and restitution of a defendant to a collection agency, or do both, and may institute contempt proceedings.

Paragraph [ (B)(6) was amended in 2000 to make ] (B)(7) makes it clear in a summary criminal case that the defendant may file an appeal for a trial *de novo* following the entry of a guilty plea. See Rule 460 (Notice of Appeal).

\* \* \* \* \*

**Official Note:** Previous rule, originally numbered Rule 133(a) and Rule 133(b), adopted January 31, 1970, effective May 1, 1970; renumbered Rule 53(a) and 53(b) September 18, 1973, effective January 1, 1974; amended January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present Rule 53 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986

effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; amended January 31, 1991, effective July 1, 1991; amended June 3, 1993, effective as to new citations printed on or after July 1, 1994; amended July 25, 1994, effective January 1, 1995; renumbered Rule 403 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; Comment revised February 6, 2003, effective July 1, 2003; amended August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **amended** , 2011, effective , 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments to paragraph (B)(4) and (B)(6) concerning consent to a not guilty plea and consequences of failure to pay published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report explaining the proposed amendments to paragraph (B)(4) and (B)(6) concerning consent to a not guilty plea and consequences of failure to pay published for comment at 41 Pa.B. 3819 (July 16, 2011).**

**PART B(1). Procedures When Citation Is Issued to Defendant**

**Rule 407. Pleas in Response to Citation.**

(A) Within 10 days after issuance of a citation, the defendant shall notify the issuing authority by mail or in person that the defendant either pleads not guilty or pleads guilty.

(B) If the defendant fails to notify the issuing authority of his or her plea, the issuing authority shall:

(1) in summary traffic cases, 15 days after issuance of the citation, notify the defendant that failure to respond within 15 days will result in a license suspension, and

(2) in all summary cases, 30 days after issuance of the citation, enter a not guilty plea on behalf of the defendant and proceed under Rule 408 *et seq.*

**Comment**

[ For the consequences of failure to respond as provided in this rule, see Rules 430 and 431. ]

To notify the issuing authority of the plea, the defendant should sign and return the citation. When a defendant fails to sign the citation to indicate the plea, the issuing authority should record the unsigned citation as a guilty plea. *See* Rule 403(B)(5).

**Concerning the 15-day notice requirement in summary traffic cases in paragraph (B)(1), see Rule 470 and 75 Pa.C.S. § 1533.**

**Official Note:** Previous Rule 57 adopted September 18, 1973, effective January 1, 1974; title of rule amended January 23, 1975, effective September 1, 1975; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 411–414 and 421–424. Present Rule 57 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; renumbered Rule 407 and amended March 1, 2000, effective April 1, 2001; **amended** , 2011, effective , 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed addition of new paragraph (B) concerning procedures following failure to respond published for comment at 40 Pa.B. 2527 (May 15, 2010). Supplemental Report explaining the proposed addition of new paragraph (B) concerning procedures following failure to respond published for comment at 41 Pa.B. 3819 (July 16, 2011).**

**Rule 408. Not Guilty Pleas—Notice of Trial.**

\* \* \* \* \*

(B) The issuing authority, upon receiving a plea of not guilty or entering a not guilty plea as required in Rule 407, shall:

\* \* \* \* \*

**Comment**

\* \* \* \* \*

**When a defendant fails to respond to the citation as required in Rule 407, the issuing authority is required to enter a not guilty plea on behalf of the defendant and proceed as provided in paragraph (B).**

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offense charged.

**Official Note:** Previous Rule 58, adopted September 18, 1973, effective January 1, 1974; amended to correct printing error June 28, 1976, effective immediately; rescinded July 12, 1985, effective January 1, 1986, and not replaced in the present rules. Present Rule 58 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 408 and amended March 1, 2000, effective April 1, 2001; **amended** , 2011, effective , 2011.

*Committee Explanatory Reports:*

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**Report explaining the proposed amendments to paragraph (B) adding entering a not guilty plea published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report published for comment at 41 Pa.B. 3819 (July 16, 2011).**

**PART B(2). Procedures When Citation Filed**

**Rule 412. Pleas in Response to Summons.**

(A) Within 10 days after receipt of a summons, the defendant shall notify the issuing authority by mail or in person that the defendant either pleads not guilty or pleads guilty.

(B) If the defendant fails to notify the issuing authority of his or her plea, the issuing authority shall:

(1) in summary traffic cases, 15 days after service of the summons, notify the defendant that failure to respond within 15 days will result in a license suspension, and

(2) in all summary cases, 30 days after service of the summons, enter a not guilty plea on behalf of the defendant and proceed under Rule 413 *et seq.*

unless service of the summons was by first class mail.

(C) If service was by first class mail, before proceeding pursuant to paragraph (B), the issuing authority shall cause service to be made upon the defendant personally or by certified mail, return receipt requested.

#### Comment

\* \* \* \* \*

[ For the consequences of failure to respond as provided in this rule, see Rule 430(A). ]

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

If service cannot be accomplished under paragraph (C), an arrest warrant will be issued as required in Rule 430(A)(1).

Concerning the 15-day notice requirement in summary traffic cases in paragraph (B)(1), see Rule 470 and 75 Pa.C.S. § 1533.

**Official Note:** Previous rule, originally numbered Rule 118 and 118(b), adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered as Rule 62 and amended to apply only to summary cases September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended April 24, 1981, effective July 1, 1981; amended January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 441. Present Rule 62 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; renumbered Rule 412 and amended March 1, 2000, effective April 1, 2001; **amended** , 2011, **effective** , 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed addition of new paragraph (B) concerning procedures following failure to respond and (C) concerning service published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report explaining the proposed addition of new paragraph (B) concerning procedures following failure to respond and (C) concerning service published for comment at 41 Pa.B. 3819 (July 16, 2011).

#### Rule 413. Not Guilty Pleas—Notice of Trial.

\* \* \* \* \*

(B) The issuing authority, upon receiving a plea of not guilty or entering a not guilty plea as required in Rule 412, shall:

\* \* \* \* \*

#### Comment

\* \* \* \* \*

When a defendant fails to respond to the summons as required in Rule 412, the issuing authority

is required to enter a not guilty plea on behalf of the defendant and proceed as provided in paragraph (B).

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offense charged.

**Official Note:** Previous rule, originally numbered Rules 141 and 142, adopted January 31, 1970, effective May 1, 1970; combined, and renumbered Rule 63, and amended September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 454. Present Rule 63 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 413 and amended March 1, 2000, effective April 1, 2001; **amended** , 2011, **effective** , 2011.

*Committee Explanatory Reports:*

Report explaining the January 31, 1991 amendments published at 20 Pa.B. 4788 (September 15, 1990); Supplemental Report published at 21 Pa.B. 621 (February 16, 1991).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

**Report explaining the proposed amendment to paragraph (B) concerning the addition of entering a not guilty plea published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report published for comment at 41 Pa.B. 3819 (July 16, 2011).**

#### PART C. Procedures in Summary Cases When Complaint Filed

##### Rule 422. Pleas in Response to Summons.

(A) Within 10 days after receipt of a summons, the defendant shall notify the issuing authority by mail or in person that the defendant either pleads not guilty or pleads guilty.

(B) If the defendant fails to notify the issuing authority of his or her plea, the issuing authority shall:

(1) in summary traffic cases, 15 days after service of the summons, notify the defendant that failure to respond within 15 days will result in a license suspension, and

(2) in all summary cases, 30 days after service of the summons, enter a not guilty plea on behalf of the defendant and proceed under Rule 413 *et seq.*

unless service of the summons was by first class mail.

(C) If service was by first class mail, before proceeding pursuant to paragraph (B), the issuing authority shall cause service to be made upon the defendant personally or by certified mail, return receipt requested.

#### Comment

\* \* \* \* \*

[ For the consequences of failure to respond as provided in this rule, see Rule 430(A). ]



Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

If service cannot be accomplished under paragraph (C), an arrest warrant will be issued as required in Rule 430(A)(1).

Concerning the 15-day notice requirement in summary traffic cases in paragraph (B)(1), see Rule 470 and 75 Pa.C.S. § 1533.

**Official Note:** Previous Rule 67, adopted September 18, 1973, effective January 1, 1974; amended May 26, 1977, effective July 1, 1977; amended April 26, 1979, effective July 1, 1979; Comment revised April 24, 1981, effective July 1, 1981; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rules 460, 461, and 462. Present Rule 67 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; renumbered Rule 422 and amended March 1, 2000, effective April 1, 2001; amended , 2011, effective , 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed addition of new paragraph (B) concerning procedures following failure to respond and (C) concerning service published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report explaining the proposed addition of new paragraph (B) concerning procedures following failure to respond and (C) concerning service published for service at 41 Pa.B. 3819 (July 16, 2011).

#### **Rule 423. Not Guilty Pleas—Notice of Trial.**

\* \* \* \* \*

(B) The issuing authority, upon receiving a plea of not guilty or entering a not guilty plea as required in Rule 422, shall:

\* \* \* \* \*

(3) advise the defendant that failure to appear for trial shall constitute consent to trial in the defendant's absence and if the defendant is found guilty, the collateral deposited shall be forfeited and applied toward the fine and costs and the defendant shall have the right to appeal within 30 days for a trial *de novo*.

#### **Comment**

\* \* \* \* \*

When a defendant fails to respond to the summons as required in Rule 422, the issuing authority is required to enter a not guilty plea on behalf of the defendant and proceed as provided in paragraph (B).

When fixing the date and hour for trial, the issuing authority should determine whether the trial must be delayed because the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offenses charged.

**Official Note:** Previous Rule 68 adopted September 18, 1973, effective January 1, 1974; rescinded July 12,

1985, effective January 1, 1986, and not replaced in the present rules. Present Rule 68 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; renumbered Rule 423 and amended March 1, 2000, effective April 1, 2001; amended , 2011, effective , 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed amendment to paragraph (B) concerning the addition of entering a not guilty plea published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report published for comment at 41 Pa.B. 3819 (July 16, 2011).

#### **PART D. Arrest Procedures in Summary Cases**

##### **PART D(1). Arrests With a Warrant**

#### **Rule 430. Issuance of Warrant.**

\* \* \* \* \*

##### **(B) BENCH WARRANTS**

(1) A bench warrant shall be issued when[ : ] the defendant has failed to appear for the execution of sentence as required in Rule 454(F)(4).

[ (a) the defendant fails to respond to a citation or summons that was served upon the defendant personally or by certified mail return receipt requested; or

(b) the defendant has failed to appear for the execution of sentence as required in Rule 454(F)(3). ]

(2) A bench warrant may be issued when a defendant has entered a not guilty plea, or the issuing authority has entered a not guilty plea on behalf of the defendant as provided in Rules 407, 412, and 422, and the defendant fails to appear for the summary trial, if the issuing authority determines, pursuant to Rule 455(A), that the trial should not be conducted in the defendant's absence.

\* \* \* \* \*

#### **Comment**

[ Personal service of a citation under paragraph (B)(1) is intended to include the issuing of a citation to a defendant as provided in Rule 400(A) and the rules of Chapter 4, Part B(1).

When the defendant is under 18 years of age, and the defendant has failed to respond to the citation, the issuing authority must issue a summons as provided in Rule 403(B)(4)(a). If the juvenile fails to respond to the summons, the issuing authority should issue a warrant as provided in either paragraph (A)(1) or (B)(1).

A bench warrant may not be issued under paragraph (B)(1) when a defendant fails to respond to a citation or summons that was served by first class mail. See Rule 451. ]

\* \* \* \* \*

Rule 454 provides that the issuing authority is to direct any defendant who is sentenced to a term of imprisonment to appear for the execution of sentence on a date certain following the expiration of the 30-day stay required by Rule 461. Paragraph [ (B)(1)(b), formerly paragraph (A)(1)(d), was added in 2003 to make ]

**(B)(1) makes** it clear that an issuing authority should issue a warrant for the arrest of any defendant who fails to appear for the execution of sentence.

\* \* \* \* \*

**Official Note** Rule 75 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 430 and amended March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended June 30, 2005, effective August 1, 2006; amended January 26, 2007, effective February 1, 2008; Comment revised September 18, 2008, effective February 1, 2009; **amended** , **2011, effective** , **2011.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments to paragraph (B)(2) concerning bench warrants for failure to pay fines and costs published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report published for comment at 41 Pa.B. 3819 (July 16, 2011).**

#### **PART E. General Procedures in Summary Cases**

##### **Rule 454. Trial in Summary Cases.**

\* \* \* \* \*

**(F)** At the time of sentencing, the issuing authority shall:

\* \* \* \* \*

**(2) advise the defendant that failure to pay the fines, costs, and restitution may result in the issuance of a bench warrant for the arrest of the defendant, the referral of the collection of the fines, costs, and restitution of a defendant to a collection agency, and a contempt proceeding being instituted;**

**(3) advise the defendant of the right to appeal within 30 days for a trial *de novo* in the court of common pleas, and that if an appeal is filed:**

\* \* \* \* \*

**[ (3) ] (4)** if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period, and advise that, if the defendant fails to appear on that date, a warrant for the defendant's arrest will be issued; and

**[ (4) ] (5)** issue a written order imposing sentence, signed by the issuing authority. The order shall include the information specified in paragraphs (F)(1) through **[ (F)(3) ] (F)(4)**, and a copy of the order shall be given to the defendant.

#### **Comment**

\* \* \* \* \*

**The 2011 amendments to paragraph (E)(2) provide notice to the defendant of some of the consequences of failing to pay any fine, costs, and restitution following a conviction. In these cases, the issuing authority may issue a bench warrant and**

**may refer the collection of the fines, costs, and restitution of a defendant to a collection agency, or do both, and may institute contempt proceedings.**

Paragraph **[ (F)(2)(b) ] (F)(3)(b)** is included in the rule in light of *North v. Russell*, 427 U.S. 328 (1976). For the procedures for taking, perfecting, and handling an appeal, see Rules 460, 461, and 462.

\* \* \* \* \*

Under paragraph **[ (F)(2)(a) ] (F)(3)(a)**, the issuing authority should explain to the defendant that if an appeal is filed, any sentence, including imprisonment, fines, or restitution, will be stayed.

When setting the specific date for the defendant to appear for execution of a sentence of imprisonment pursuant to paragraph **[ (F)(3) ] (F)(4)**, the issuing authority should set the earliest possible date for sentencing after the appeal period expires.

\* \* \* \* \*

**Official Note:** Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; amended March 26, 2004, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **amended** , **2011, effective** , **2011.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments adding new paragraph (E)(2) concerning consequences of failing to pay published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report explaining the proposed amendments adding new paragraph (E)(2) concerning consequences of failing to pay published for comment at 41 Pa.B. 3819 (July 16, 2011).**

##### **Rule 455. Trial in Defendant's Absence.**

\* \* \* \* \*

**(D)** If the defendant is found guilty, the issuing authority shall impose sentence, and shall give notice by first class mail to the defendant of the conviction and sentence, and of the right to file an appeal within 30 days for a trial *de novo*. In those cases in which the amount of collateral deposited does not satisfy the fine and costs imposed or the issuing authority imposes a sentence of restitution, the notice shall also state that failure within **[ 10 ] 30** days of the date on the notice to pay the amount due or to appear for a hearing to determine whether the defendant is financially able to pay the amount due may result in the issuance of **[ an arrest ] a bench warrant, the referral of the collection of the fines, costs, and restitution to a collection agency, or both, and the institution of contempt proceedings.**

\* \* \* \* \*

(F) If the defendant does not file an appeal or respond [ **within 10 days** ] to the notice in paragraph (D) **within 30 days**, the issuing authority may issue a bench warrant [ **for the defendant's arrest** ], refer the collection of the fines, costs, and restitution to a collection agency, or do both, and institute a contempt proceeding.

(1) When the defendant appears before the issuing authority following an arrest, the case shall proceed as provided in Rule 456.

(2) In non-traffic summary cases, upon the expiration of two years after the date of the imposition of fines and costs, if, after a bench warrant has been issued or the case has been turned over to a collection agency, the defendant has not paid the fines, costs, or restitution, the issuing authority shall conduct a review of the case. If the issuing authority determines further action is warranted, the case shall remain open. If the issuing authority determines no further action is warranted, the issuing authority shall do a case balance adjustment to close the case.

(3) In traffic summary cases, upon the expiration of two years after the date of the imposition of fines and costs, if, after a bench warrant has been issued or the case has been turned over to a collection agency, the defendant has not paid the fines, costs, or restitution, the issuing authority shall keep the case open until the defendant appears and pays the fines and costs or a payment plan is established. Any license suspension for failure to respond in effect shall be continued as a suspension for failure to pay the fines and costs.

#### Comment

\* \* \* \* \*

If the defendant is under 18 years of age, the notice in paragraph (D) must inform the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the [ **10-day** ] **30-day** time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of "delinquent act," paragraph (2)(iv), and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.

If the defendant is 18 years of age or older and fails to pay or appear as required in paragraph (D), the issuing authority must proceed under these rules.

**Paragraph (F), amended in 2011, provides when a defendant fails to respond to the 30-day notice in paragraph (D) that the issuing authority has discretion to issue a bench warrant and to refer the collection of the fine and costs to a collection agency, or to both issue a bench warrant and refer to a collection agency. Nothing in this rule is intended to preclude the issuing authority from using other collection tools such as sending courtesy notices to the defendants before issuing a bench warrant or referring the fines and costs to a collection agency. The issuing authority also may conduct a contempt proceeding as provided in 42 Pa.C.S. §§ 4137, 4138, and 4139 and Rule 140(B).**

When the collection of the fines, costs, and restitution is referred to a collection agency, if the collection agency is unable to collect the fines, costs, and restitution within 180 days, the collec-

tion agency is statutorily required to cease its efforts to collect and to inform the issuing authority that it no longer is pursuing the collection. See 42 Pa.C.S. § 9730.1(c).

The option to proceed by collection agency as provided in this rule is subject to the judicial district having a contract with a collection agency as provided in 42 Pa.C.S. § 9730.1(b).

After proceeding by bench warrant or collection agency, or both, if the fines, costs, and restitution have not been collected, pursuant to paragraph (F)(2), in non-traffic summary cases, the issuing authority is required to review the case to see if there is anything else that could be done to locate the defendant and to collect the fines and cost. If the issuing authority wants to continue pursuing the matter, the rule permits the issuing authority to keep the case active. If the issuing authority believes no further action will result in locating the defendant or collecting the fine and costs, the issuing authority is permitted to administratively terminate the case by doing a case balance adjustment.

"Case balance adjustment," as used in this rule, means that the case will no longer have an outstanding balance. However, if the defendant subsequently is located, the case balance should be reinstated to permit payment of the fines and costs.

After proceeding by bench warrant or collection agency or both, if the fines, costs, and restitution have not been collected, pursuant to paragraph (F)(3), in traffic summary cases, the issuing authority is required to keep the case open until the defendant has paid the fines and costs. The license suspension would remain in effect until the fines and costs are paid or until a payment plan is established. See Rule 470 and 75 Pa.C.S. § 1533.

For the defendant's right to counsel, see Rule 122.

For arrest warrant procedures in summary cases, see Rules 430 and 431.

**Official Note** Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended August 15, 2005 effective February 1, 2006; amended , 2011, effective , 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed amendments to paragraph (F) concerning consequences of failure to pay fines and costs published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report explaining the proposed amendments to paragraph (F) concerning consequences of failure to pay fines and costs published for comment at 41 Pa.B. 3819 (July 16, 2011).

**Rule 456. Default Procedures: Restitution, Fines, and Costs.**

\* \* \* \* \*



(B) If a defendant defaults on the payment of fines and costs, or restitution, as ordered, the issuing authority shall notify the defendant in person or by first class mail that, unless within 10 days of the date on the default notice, the defendant pays the amount due as ordered, or appears before the issuing authority to explain why the defendant should not be imprisoned for nonpayment as provided by law, a **bench warrant** for the defendant's arrest may be issued, **the collection of the fines, costs, and restitution may be referred to a collection agency, or both, and a contempt proceeding may be instituted.**

\* \* \* \* \*

(D) If the defendant does not respond within 10 days to the notice in paragraph (B), the issuing authority may issue a bench warrant for the defendant's arrest or refer the collection of the fines, costs, and restitution to a collection agency, or do both, and institute a contempt proceeding.

(1) When the defendant appears before the issuing authority following an arrest, the case shall proceed as provided in paragraph (C).

(2) In non-traffic summary cases, upon the expiration of two years after the date of the imposition of fines and costs, if, after a bench warrant has been issued or the case has been turned over to a collection agency, the defendant has not paid the fines, costs, or restitution, the issuing authority shall conduct a review of the case. If the issuing authority determines further action is warranted, the case shall remain open. If the issuing authority determines no further action is warranted, the issuing authority shall do a case balance adjustment to close case.

(3) In traffic summary cases, upon the expiration of two years after the date of the imposition of fines and costs, if, after a bench warrant has been issued or the case has been turned over to a collection agency, the defendant has not paid the fines, costs, or restitution, the issuing authority shall keep the case open until the defendant appears and pays the fines and costs or a payment plan is established. Any license suspension for failure to respond in effect shall be continued as a suspension for failure to pay the fines and costs.

(E) A defendant may appeal an issuing authority's determination pursuant to this rule by filing a notice of appeal within 30 days of the issuing authority's order. The appeal shall proceed as provided in Rules 460, 461, and 462.

#### Comment

\* \* \* \* \*

Pursuant to [ paragraph ] paragraphs (C) and (D), the issuing authority must conduct a default hearing when a defendant responds to the 10-day notice as provided in paragraph (B), or when the defendant is arrested for failing to respond to the 10-day notice. If the default hearing cannot be held immediately, the issuing authority may set bail as provided in Chapter 5 Part C.

\* \* \* \* \*

Paragraph (D), added in 2011, provides that the issuing authority has discretion to issue a bench warrant and to refer the collection of the fine and

costs to a collection agency, or to both issue a bench warrant and refer to a collection agency. Nothing in this rule is intended to preclude the issuing authority from using other collection tools such as sending courtesy notices to the defendants before issuing a bench warrant or referring the fines and costs to a collection agency. The issuing authority also may conduct a contempt proceeding as provided in 42 Pa.C.S. §§ 4137, 4138, and 4139 and Rule 140(B).

When the collection of the fines, costs, and restitution is referred to a collection agency, if the collection agency is unable to collect the fines, costs, and restitution within 180 days, the collection agency is statutorily required to cease its efforts to collect and to inform the issuing authority that it no longer is pursuing the collection. See 42 Pa.C.S. §§ 9730(b)(1) and (2) and 9730.1(a).

The option to proceed by collection agency as provided in this rule is subject to the judicial district having a contract with a collection agency as provided in 42 Pa.C.S. § 9730.1(b).

After proceeding by bench warrant or collection agency, if the fines, costs, and restitution have not been collected, pursuant to paragraph (D)(2), in non-traffic summary cases, the issuing authority is required to review the case to see if there is anything else that could be done to locate the defendant and to collect the fines and cost. If the issuing authority wants to continue pursuing the matter, the rule permits the issuing authority to keep the case active. If the issuing authority believes no further action will result in locating the defendant or collecting the fine and costs, the issuing authority is permitted to administratively terminate the case by doing a case balance adjustment.

"Case balance adjustment," as used in this rule, means that the case will no longer have an outstanding balance. However, if the defendant subsequently is located, the case balance should be reinstated to permit payment of the fines and costs.

After proceeding by bench warrant or collection agency, if the fines, costs, and restitution have not been collected, pursuant to paragraph (D)(3), in traffic summary cases, the issuing authority is required to keep the case open until the defendant has paid the fines and costs. The license suspension would remain in effect until the fines and costs are paid or until a payment plan is established. See Rule 470 and 75 Pa.C.S. § 1533.

This rule contemplates that when there has been an appeal pursuant to paragraph [ (D) ] (E), the case would return to the issuing authority who presided at the default hearing for completion of the collection process.

Nothing in this rule is intended to preclude an issuing authority from imposing punishment for indirect criminal contempt when a defendant fails to pay fines and costs in accordance with an installment payment order, 42 Pa.C.S. §§ 4137(a)(4), 4138(a)(3), and 4139(a)(3), or fails to pay restitution, 42 Pa.C.S. § 4137(a)(3). Separate Rules of Criminal Procedure govern contempt adjudications. See Chapter 1 Part D.

**Official Note** Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; rescinded October 1, 1997, effective October 1, 1998. New Rule 85 adopted October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 456 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended March 3, 2004, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; **amended , 2011, effective 2011.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments to paragraph (B) and the addition of new paragraph (D) concerning consequences for failure to pay published for comment at 40 Pa.B. 2519 (May 15, 2010). Supplemental Report explaining the proposed amendments to paragraph (B) and the addition of new paragraph (D) concerning consequences for failure to pay published for comment at 41 Pa.B. 3819 (July 16, 2011).**

#### SUPPLEMENTAL REPORT

***Proposed Amendments to Pa.Rs.Crim.P. 403, 407, 408, 412, 413, 422, 423, 430, 454, 455, and 456***

**Procedures when Defendant Fails to Respond to Citation or Summons**

#### I. Introduction

The Committee is planning to propose to the Supreme Court amendments to Rules of Criminal Procedure 403, 407, 408, 412, 413, 422, 423, 430, 454, 455, and 456 that would establish new procedures in summary cases in which the defendant has failed to respond to a citation or summons. This Supplemental Report explains changes to these rules the Committee is proposing following the publication of the proposal.<sup>1</sup>

The purpose of the proposal as explained in the published Report ("initial proposal") is to provide other means within the scope of the existing Criminal Rules to reduce the number of open, inactive cases<sup>2</sup> by providing issuing authorities with better tools to accomplish this goal, thereby eliminating the need for administrative terminations in summary cases.<sup>3</sup> To do this, the initial proposal required the issuing authority to enter a not guilty plea on behalf of the defendant who fails to respond to a citation instead of issuing an arrest warrant when the defendant fails to respond as is required under the current rules. The case would proceed as any other summary case under the rules. If the defendant fails to appear for the summary trial, the trial would be conducted in the defendant's absence. After one year following a trial in the defendant's absence, if the defendant has not been found on a bench warrant or has not paid the fine and costs, the magisterial district judge would be

required to close the case and send it to the common pleas court for further proceedings.<sup>4</sup>

A major concern of the individuals who commented on the Committee's initial proposal was the impact that sending all these open, inactive cases would have on the common pleas court. The respondents believed that the proposal would be too burdensome on the common pleas courts and would create additional work for the clerks of courts and prothonotaries and that additional work would be unfunded. They also opined that sending these cases to common pleas court would result in significantly greater costs for the summary case defendants. They thought imposing these additional cost was unfair when the outstanding balance in many of these cases is relatively small, and would only result in unenforceable judgments.

After reviewing all the publication comments, the Committee agreed, as explained more fully below, that the initial proposal should be modified to address the concerns of the respondents by:

- providing that the case will remain with the issuing authority rather than being sent to the common pleas court;
- providing additional tools, in addition to issuing a bench warrant that was the only option for issuing authorities in the initial proposal, to the issuing authorities for handling these cases including adding the option for the issuing authority to send a case to a collection agency; and to find the defendant in contempt;<sup>5</sup>
- providing that, in non-traffic summary cases, the MDJ has discretion at the conclusion of a two-year period after the imposition of fines and costs if there is no payment to either keep the case open or administratively close the case; and
- providing that the traffic summary cases will remain open in the MDJ's office until payment is made.

#### II. Discussion

The Committee, after reviewing the publication responses, is appreciative of the input about the impact of the initial proposal and sensitive to the increased burdens being placed on the common pleas courts and the clerk of courts offices statewide. We therefore went back to the drawing board. The members re-examined the various tools that could be made available to the issuing authorities for handling these cases with outstanding fines and costs and agreed if the issuing authorities would be given more options for proceeding, the cases could be successfully resolved without imposing the burden on the common pleas courts. To that end, the members agreed with the suggestion of several respondents that the issuing authorities should be able to send the case to a collection agency in addition to using the bench warrant procedure that was in the initial proposal. In addition, the issuing authorities would be able to use other collection tools, such as courtesy letters, currently in use in some judicial districts. Finally, the issuing authorities may exercise their contempt powers as set forth in Rule 140(B) and 42 Pa.C.S. §§ 4137, 4138, and 4139. To facilitate the efforts to collect the fines and costs and to ensure that all

<sup>1</sup> See 40 Pa.B. 2519 (May 15, 2010).

<sup>2</sup> Inactive summary cases are cases in which a defendant has not responded to a citation or summons, or cases in which the defendant has been convicted and has failed to pay the fine and costs. In either situation, under the current rules, warrants have been issued for these defendants' arrest and the warrants remain unexecuted and active. According to information provided by the Administrative Offices of Pennsylvania Courts (AOPC), for the period from 2000 to 2007, there were 290,595 cases that had active warrants.

<sup>3</sup> Concerning administrative termination of cases, see, e.g., Rule of Judicial Administration 1901 (Prompt Disposition of Matters; Termination of Inactive Cases) and the Intergovernmental Task Force to Study the District Justice System's Quality of Justice Subcommittee at <http://www.aopc.org/NR/rdonlyres/E6085C7B-721A-494D-B1B2-06DFE3016B40/0/04qualjust.pdf>.

<sup>4</sup> The Committee's published Report provides a more detailed explanation of the proposal.

<sup>5</sup> See 42 Pa.C.S. § 9730.1 (Collection of Court Costs, Restitution and Fines by Private Collection Agency). Other collection strategies, "tools," used in various judicial districts include courtesy notices and warrant sweeps.

reasonable efforts using the tools available to the issuing authorities to collect the outstanding fines and cost are pursued, the one-year outside limit imposed in the initial proposal would be expanded to two years.

The Committee spent a good deal of time considering what would occur with the case at the end of the two-year period, including the feasibility and wisdom of providing for administrative termination of cases as suggested in the publication responses. The members recognize that administrative terminations of the inactive summary cases, particularly those cases with outstanding fines and costs, may have unintended consequences. Although uncomfortable with the concept, the Committee concluded, as a matter of public policy and judicial economy, that an administrative termination is the most realistic option in some cases given the number of these cases that have been pending for years without any action and that are not likely ever to be resolved. However, the members also agreed that administrative terminations should not be mandated, but rather left to the discretion of the MDJ on a case-by-case basis. In view of these considerations, the Committee agreed that, at the end of two years from the date of the imposition of the fines and costs, in cases in which the issuing authority's efforts to collect the fines and costs using the various tool available have been unsuccessful, the issuing authority would be required to review each case. From this review, the MDJ must determine whether to keep the case open longer because the MDJ believes there are reasons to continue to pursue the defendant or to administratively close the case.

A correlative issue related to permitting administrative closure of these cases is whether an administratively closed case could be re-opened. In considering this issue, the members noted, for example, that there may be situations in which a defendant with outstanding fines and costs whose case has been administratively closed subsequently is arrested on other charges. In this situation, should the issuing authority be able to collect on the "closed" case, and if so how procedurally should this be accomplished? In considering this question, the Committee examined a function in the magisterial district judge computer system that permits issuing authorities to do a "case balance adjustment."<sup>6</sup> The Committee thought this function would be a reasonable means of closing the summary cases subject to administrative termination while providing the issuing authority with the ability to re-open the case to accept a defendant's payment by restoring the balance.

The Committee also considered whether traffic summary cases and non-traffic summary cases should be treated in the same manner under the proposed new procedural scheme. Some members argued that it made no sense to administratively close traffic summary cases because (1) driving is a privilege and (2) the license suspension that is imposed for failure to respond and failure to pay is an effective tool to get defendants to pay.<sup>7</sup> After further consideration, the Committee agreed with these members. Therefore, the proposal requires that in summary traffic cases, the case will remain open until the defendant pays all outstanding fines and costs.

<sup>6</sup> A Case Balance Adjustment ("CBA") is a functionality that allows the MDJS user to adjust a case balance to zero, effectively closing the case in certain types of cases. Currently, if a CBA was done in error, the systems allow the user to undo the CBA and restore the case balance.

<sup>7</sup> See 75 Pa.C.S. § 1533 and Pa.R.Crim.P. 470 concerning license suspensions for failure to respond and to pay fines and costs. In addition, 42 Pa.C.S. § 5553 provides for a 3-year statute of limitations in traffic summary cases. In *Commonwealth v. Marra*, the Superior Court held that the statute of limitations in Section 5553 does not apply when there are outstanding fines and costs.

### III. Explanation of the Changes to the Published Version of Rules<sup>8</sup>

#### *Rule 135 (Transcript of Proceedings Before Issuing Authority)*

Rule 135 has been deleted from the package of rule changes because the only change that had been proposed to the rule related to sending the case to the court of common pleas that will not take place under the new procedures.

#### *Rule 403 (Contents of Citation)*

Rule 403(B)(4) has been revised with the addition of notice that once a not guilty plea is entered on behalf of the defendant, the case will proceed in the same manner as all other summary cases. Paragraph (B)(6) has been revised by deleting the provisions for a judgment to be entered or wages to be attached because these two functions are statutorily permitted only at the common pleas level. The correlative explanatory provision in the Comment has been similarly revised.

#### *Rules 407 (Pleas in Response to Citation), 412 (Pleas in Response to Summons), and 422 (Pleas in Response to Summons)*

The only change to Rules 407, 412, and 422 is the addition in paragraph (B)(2) of "in all summary cases" at the beginning of the sentence to make the rules clear that the 30-day time period applies to both traffic and non-traffic summary cases.

#### *Rules 408 (Not Guilty Pleas—Notice of Trial), 413 (Not Guilty Pleas—Notice of Trial), and 423 (Not Guilty Pleas—Notice of Trial)*

There are no changes to the versions of Rules 408, 413, or 423 published as part of the initial proposal.

#### *Rule 430 (Issuance of Warrant)*

The version of Rule 430 published as part of the initial proposal contained a new paragraph (B)(5) that provided for the automatic expiration of the bench warrant at the end of a one-year period. This paragraph has been deleted as no longer necessary because under the proposed new procedural scheme the bench warrant will not have a one-year time limit and will not expire.

#### *Rule 454 (Trial In Summary Cases)*

The version of Rule 454 published as part of the initial proposal contained a new paragraph (E)(2) that provided a judgment to be entered or wages to be attached. These two functions have been deleted because they are statutorily permitted only at the common pleas level.

#### *Rules 455 (Trial in Defendant's Absence) and 456 (Default Procedures: Restitution, Fines, and Costs)*

Rules 455 and 456 have been substantially reworked to reflect the Committee's decision to change the procedural scheme that had been set forth in the published version of the rules in the initial proposal.

Rule 455(D) and Rule 456(B) have been revised so the notice that is sent to a defendant before action is taken after a trial in the defendant's absence or after a defendant defaults in paying the fines and costs advises the defendant of the collection agency option and the possibility of contempt proceedings.

Rule 455(F) and Rule 456(D) have been revised to require the issuing authority to either issue a bench warrant or refer the collection of the fines and costs to a

<sup>8</sup> Except for the changes to the proposal described in this section, the proposed rule changes remain the same as published.



collection agency, or to do both. The Comments to both rules elaborate on this provision noting that it is expected that the issuing authority would be able to use other collection tools such as sending courtesy notices to the defendant in addition to issuing a bench warrant or referring the fines and costs to a collection agency. The issuing authority also may conduct a contempt proceeding as provided 42 Pa.C.S. §§ 4137, 4138, and 4139 and Rule 140(B).

The Committee reasoned that the issuing authority is the most familiar with the case, and in most cases with the defendant, and is in the best position to determine what collection tools to utilize. Therefore, the decision of how to proceed in a given case is left to the issuing authority with the expectation that the issuing authority will use all the collection tools available to him or her necessary to collect the outstanding fines and costs. Finally, the version of these paragraphs published as part of the initial proposal concerning the expiration of the bench warrant has been deleted as unnecessary under the new procedures.

As explained above, the Committee agreed that the rules should provide different procedures for handling non-traffic and traffic summary cases when the defendant has failed to pay the fines and costs and the two-year period has expired. These new procedures are set forth in Rules 455(F)(2) and 456(D)(2) for non-traffic summary cases, and Rules 455(F)(3) and 456(D)(3) for traffic summaries.

The versions of Rule 455(F)(2) and Rule 456(D)(2) published as part of the initial proposal had provided for the closure of the case at the magisterial district court level and the forwarding of the case to the common pleas court for further proceedings. These paragraphs have been deleted, and are replaced by new language that sets forth the new procedures for non-traffic summary cases. Paragraphs (F)(2) and (D)(2) now provide that upon the expiration of the two-year period from the date of the imposition of fines and costs, if the defendant has not appeared and paid the fines and cost, the issuing authority must conduct a review of the case. The purpose of this review is to determine whether to keep the case open to take further action to find the defendant and collect the outstanding fines and cost or to do a case balance adjustment and administratively close the case.

The versions of Rule 455(F)(3) and Rule 456(D)(3) that were published as part of the initial proposal provided that any license suspension for failure to respond that was in effect at the time the bench warrant expired would be continued as a license suspension for failure to pay. Because the bench warrant expiration provisions have been deleted from the rules, the bench warrant expiration language in these paragraphs has been deleted, but the provision for continuing the license suspension for failure to pay in traffic summary cases has been retained. In addition, paragraphs (F)(3) and (D)(3) have been modified to include the procedures for traffic summary cases when the defendant has not paid at the end of the two-year period. As explained above, the summary traffic cases must remain open until the fines and costs have been paid and may not be administratively terminated.

The Comments to both rules provide further elaboration about the new procedures and explain the functionality of the "case balance adjustment." The Comments also include cross-references to correlative statutory provisions such as 42 Pa.C.S. § 9730.1(c) concerning the procedures

relative to collection agencies and 42 Pa.C.S. §§ 4137, 4138, and 4139 concerning contempt powers of issuing authorities.

[Pa.B. Doc. No. 11-1173. Filed for public inspection July 15, 2011, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Amendment of Rule of Civil Procedure 1901; Administrative Order No. 21 of 2011

##### Order of Court

*And Now*, this 28th day of June, 2011, the Court hereby Orders that Rule 1901 of the Adams County Rules of Civil Procedure shall be amended as follows:

##### **Rule 1901. Commencement and Referral.**

The Prothonotary and any Magisterial District Judge shall provide written and oral referrals to any person desiring to file a pro se petition under the Protection From Abuse Act, 23 Pa.C.S. § 6101 et seq. to Legal Services, Inc. and Survivors, Inc. at their Adams County Offices, and the Adams County Bar Association referral service. They shall also maintain sample forms and written instructions, in both Spanish and English, and give clerical assistance in completing forms.

The Prothonotary shall accept petitions without requiring the prepayment of filing fees and transmit copies to the Court Administrator for presentment to a judge for the entry of an order. Upon further request by plaintiff, the Court may direct that the petition be served upon defendant by the Sheriff.

**[ In the event an emergency petition is to be filed during a business day when the courthouse is open but a Judge is unavailable as contemplated under 23 Pa.C.S.A. Section 6110(a)(1)(iii), such emergency petition shall be filed with the Magisterial District Judge in the district where the petitioner is residing either temporarily or permanently.**

**Pursuant to the provisions of Section 6110 of the Protection from Abuse Act, 23 Pa.C.S.A. § 6110, and Pennsylvania Magisterial District Judges Rule of Civil Procedure 1203, a petition for emergency relief shall be filed with the Court, on any day that the Court is open for business, but not later than 3:30 p.m., after such time the Court shall be deemed unavailable. At all times that the Court is deemed unavailable, a petition for emergency relief shall be filed with the Magisterial District Judge assigned for such duty pursuant to Rule 112 of the Rules Governing Standards of Conduct of Magisterial District Judges.**

This/These rule(s) shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further directed that:

a. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;



b. Seven (7) certified copies of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts for distribution in accordance with the provisions of Pa.R.J.A. No. 103(c)(2); and

c. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b) containing the test of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN D. KUHN,  
*President Judge*

[Pa.B. Doc. No. 11-1174. Filed for public inspection July 15, 2011, 9:00 a.m.]

### SCHUYLKILL COUNTY

#### Amending Civil Rule of Procedure 1303(e); S-1383-11

##### Order of Court

*And Now*, this 27th day of June, 2011 at 1:30 p.m., Schuylkill County Civil Rule of Procedure No. 1303(e) is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File one (1) certified copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts.

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.

3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

### Schuylkill County Rule of Civil Procedure

#### Rule 1303. Hearing, Notice and Continuances.

(e) Arbitrators may not grant continuances. Applications for continuances of any scheduled arbitration hearing shall be on the Application for Continuance Form available from the Prothonotary or Court Administrator's Office. The Application for Continuance must be filed with the Prothonotary and the Continuance Fee must be paid upon filing. Continuance requests should be submitted to the Prothonotary at least twenty (20) days before

such hearing and after written notice of such application has been provided to the opposing counsel. The application shall indicate the number of continuances previously requested, and whether or not the continuance is opposed.

The Prothonotary shall promptly serve the Continuance Form upon the Court Administrator.

[Pa.B. Doc. No. 11-1175. Filed for public inspection July 15, 2011, 9:00 a.m.]

### SCHUYLKILL COUNTY

#### Amending Civil Rule of Procedure 1915.4(f) and Adopting Civil Rule of Procedure 1915.4(f)-(1), (2), (3), (4); S-1381-11

##### Order of Court

*And Now*, this 27th day of June, 2011 at 1:30 p.m., Schuylkill County Civil Rule of Procedure No. 1915.4(f) is amended and Civil Rule of Procedure 1915.4(f)-(1), (2), (3), (4) is adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File one (1) certified copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts.

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.

3) Forward one (1) certified copy of this Order and Rule with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

### Schuylkill County Rule of Civil Procedure

#### Rule 1915.4. Prompt Disposition of Custody Cases.

(f) If at the conclusion of the conciliation process the case remains contested, the custody Conciliation Officer shall transfer the case to the Court for assignment to a Judge; except that actions for partial custody shall be assigned to a hearing officer and shall proceed in accordance with Pa.R.C.P. 1915.4-2. As part of that transfer, the custody Conciliation Officer shall prepare and file a report to the Court with copies to the parties. The report shall include such information about the case as shall be directed by the court. Any report by the Conciliation Officer will be filed with the Prothonotary, who shall seal the report to all except the court and the Parties.

**Rule 1915.4(f).**

(1) Within five (5) days of filing Exceptions to the Report of the Custody Conciliation Officer, Pursuant to Pa.R.C.P. 1910.12(f), the party raising exceptions shall request a transcript of all the testimony, pursuant to Pa.R.J.A. 5000.5, and shall thereupon make a deposit with the Court Reporter for the cost of said transcript pursuant to Pa.R.J.A. 5000.6.

(2) If both parties file Exceptions to the Report of the Custody Conciliation Officer, they shall equally bear the cost of the transcript of the testimony.

(3) In the event of the failure of an excepting party within the time allowed either to order the transcript, or to pay for the same, or to file a memorandum of law, the exceptions may be deemed to have been withdrawn and may be dismissed by the Court.

(4) Upon filing of the transcript of testimony, the file shall be delivered to the Court for disposition pursuant to Pa.R.C.P. 1910.12(h). Within ten (10) days of receiving notice of such filing with the Court, the moving party shall file a memorandum of law related to the issues raised in the exceptions, and shall within three (3) days serve a copy of such memorandum upon counsel or upon the opposing party, if not represented by counsel, the opposing party may within ten (10) days file an opposing memorandum.

[Pa.B. Doc. No. 11-1176. Filed for public inspection July 15, 2011, 9:00 a.m.]

**SCHUYLKILL COUNTY****Amending Civil Rule of Procedure 1915.15 Form of Complaint; S-1382-11****Order of Court**

*And Now*, this 27th day of June, 2011 at 1:30 p.m., Schuylkill County Civil Rule of Procedure No. 1915.15 Form of Complaint, is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File one (1) certified copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts.

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.

3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

THE COURT OF COMMON PLEAS OF  
SCHUYLKILL COUNTY  
TWENTY-FIRST JUDICIAL DISTRICT OF  
PENNSYLVANIA

Plaintiff : No: S-  
vs. : Custody  
Defendant :

**ORDER OF COURT**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_m.; you are hereby ORDERED to appear as follows:

You have been sued in Court to obtain Custody or Partial Custody of the child(ren) named in the Complaint.

**I. PARENT EDUCATION PROGRAM**

1. ALL PARTIES NAMED ABOVE SHALL ATTEND AND COMPLETE THE "KIDS FIRST" PROGRAM. THE PROGRAM IS REQUIRED FOR ALL PARTIES PARTICIPATING IN A CUSTODY ACTION. PARTICIPATION IS REQUIRED WHETHER OR NOT AN AGREEMENT IS SUBMITTED.

2. EACH OF YOU SHALL CONTACT "KIDS FIRST" WITHIN TEN (10) DAYS OF RECEIVING THIS ORDER TO REGISTER AND ATTEND THE NEXT AVAILABLE PROGRAM. IF YOU FAIL TO COMPLY WITH THE PROVISIONS OF THIS ORDER, CONTEMPT CHARGES AGAINST YOU SHALL BE FILED WITH THE COURT.

TO SCHEDULE AND REGISTER FOR THE "KIDS FIRST" PROGRAM CONTACT ANTHONY LIBASSI BY ONE OF THE FOLLOWING:

- (a) internet: WWW.LIBASSIMEDIATION.COM
- (b) telephone: 570-558-1002  
888-215-7445 (toll free)
- (c) mail: ANTHONY LIBASSI  
200 Adams Avenue, First Floor  
Scranton, PA 18503

YOU ARE EACH REQUIRED TO PAY A FEE OF FORTY DOLLARS (\$40.00) DIRECTLY TO THE "KIDS FIRST" PROGRAM AT THE TIME OF REGISTRATION.

**3. LOCATION OF "KIDS FIRST" PROGRAMS:**

SCHUYLKILL COUNTY COURTHOUSE  
401 N. 2ND STREET  
POTTSVILLE, PA 17901

FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN FINES, IMPRISONMENT OR OTHER SANCTIONS.

**II. CUSTODY CONCILIATION CONFERENCE**

You are ORDERED to appear in person at the Custody Conciliation Office, of the Schuylkill County Courthouse on \_\_\_\_\_, for a Custody Conciliation Conference.

You are further ORDERED to bring with you the fully completed conciliation questionnaire provided by the Court.

If you fail to appear as provided by the Order, an Order of Custody or Partial Custody may be entered against you or the Court may issue a Warrant for your arrest.

### III. GENERAL PROVISIONS

YOU SHOULD TAKE THIS PAPER (and the attached papers) TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Pennsylvania Bar Association Lawyer Referral Service  
100 South Street, P. O. Box 186, Harrisburg, PA 17108  
1-800-692-7375

Counsel and pro se litigants without counsel are ORDERED to immediately consult their schedules for conflicts and to promptly request a continuance where necessary because of a prior attachment or emergency situation. All requests for a continuance of a Custody Conciliation Conference must be made on the APPLICATION FOR CONTINUANCE form available from the offices of the Court Administrator, Custody Conciliator or Prothonotary in the Schuylkill County Courthouse. The

application must be filed in the Prothonotary Office. A continuance will be granted only upon good cause shown.

The moving party shall immediately serve on all interested parties a copy of the original pleading, this order, "Kids First" registration and information, and a custody conciliation questionnaire; and shall further file an affidavit verifying service.

Americans With Disabilities Act of 1990: The court of Common Pleas of Schuylkill County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

BY THE COURT,

Date: \_\_\_\_\_

WILLIAM E. BALDWIN, P.J.

[Pa.B. Doc. No. 11-1177. Filed for public inspection July 15, 2011, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 523, 526,  
555, 563, 569 AND 573 ]

#### Table Game Amendments; Rules of Play; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03 (relating to temporary table game regulations) enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 523, 526, 555, 563 and 569 and adds Chapter 573 (relating to Crazy 4 Poker) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

#### *Purpose of the Temporary Rulemaking*

This temporary rulemaking amends the rules of table game equipment, credit, Caribbean Stud Poker, Texas Hold 'Em Poker and Ultimate Texas Hold 'Em Poker to update procedures, adds additional side wagers and adds Crazy 4 Poker, a new authorized game.

#### *Explanation of Chapters 523, 526, 555, 563, 569 and 573*

In Chapter 523 (relating to table game equipment), the policy on the acceptance of gratuities by servers and other employees who are serving food and beverage to patrons on the gaming floor has been updated to allow servers from fixed locations on the gaming floor to accept value chips from patrons.

In Chapter 526 (relating to credit), the approval of a credit limit has been updated to allow verbal authorization of a credit limit by one of the two required authorizers provided that the information regarding the verbal authorization is noted in the patron's credit file and that the employee providing the verbal authorization signs the credit file upon arrival at the licensed facility.

In Chapter 555 (relating to Caribbean Stud Poker), the Caribbean Stud Bonus Wager, an additional side wager, was added as an authorized optional wager. The procedures for completion of play in § 555.11 (relating to Bet Wagers; procedure for completion of each round of play; collection and payment of wagers) as well as the payout odds in § 555.13 (relating to payout odds; rate of progression; payout limitation) were added to reflect this additional wager.

In Chapters 563 and 569 (relating to Texas Hold 'Em Bonus Poker; and Ultimate Texas Hold 'Em Poker), the dealing procedure was updated to allow certificate holders that use an automated dealing shoe that automatically reshuffles the cards to dispense the community cards before dispensing the player/dealer cards.

A new authorized game, Crazy 4 Poker, was added in Chapter 573. Section 573.1 (relating to definitions) contains the definitions for terms used in Crazy 4 Poker. Section 573.2 (relating to Crazy 4 Poker table physical characteristics) contains the requirements pertaining to the Crazy 4 Poker tables and other equipment used in the play of the game.

Section 573.3 (relating to cards; number of decks) addresses the number of decks that are used in Crazy 4 Poker and the frequency with which the decks are to be changed. Sections 573.4 and 573.5 (relating to opening of the table for gaming; and shuffle and cut of the cards) set forth the procedures for the inspection of the cards and the procedures for shuffling and cutting of the cards before they are dealt. The procedure for removal of the cards from the dealing shoe and discard rack when there is no gaming activity are in this section. At the operator's request, dealers may leave the cards face down instead of face up on the table until a player arrives at the table at which time the cards shall be reshuffled for the next round of play.

Sections 573.6 and 573.7 (relating to Crazy 4 Poker rankings; and wagers) set forth the rank of the cards for the purpose of determining the winning hand and specify when the wagers may be placed.

Sections 573.8—573.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) specify the procedures for the dealing of the cards to each patron and the dealer. Section 573.11 (relating to procedures for completion of each round of play) addresses how the dealer is to evaluate whether a patron's hand outranks the dealer's hand. This section also addresses the procedures for collecting cards, collecting losing wagers and paying out winning wagers.

Section 573.12 (relating to payout odds; Envy Bonus, rate of progression) sets forth the payout odds for winning wagers. Section 573.13 (relating to irregularities) provides the rules to address unusual circumstances that might arise during the play of the game.

#### *Affected Parties*

This temporary rulemaking will allow certificate holders additional options on how to conduct table games at their licensed facilities.

#### *Fiscal Impact*

*Commonwealth.* The Board does not expect that this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Internal control procedures submitted by certificate holders regarding table games Rules Submissions will be reviewed by existing Board staff.

*Political subdivisions.* This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

*Private sector.* This temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games.

*General public.* This temporary rulemaking will not have direct fiscal impact on the general public.

#### *Paperwork Requirements*

If a certificate holder selects different options for the play at table games, the certificate holder will be required to submit an updated Rules Submission reflecting the changes.

#### *Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.



*Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-153.

*Contact Person*

The contact person for questions about this rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 346-8300.

*Regulatory Review*

Under 4 Pa.C.S. § 13A03, the Board is authorized to adopt temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

*Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03, the temporary regulations are exempt from the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapters 523, 526, 555, 563, 569 and 573, are amended by amending §§ 523.10, 526.4, 555.7, 555.11, 555.13, 563.10 and 569.10 and by adding §§ 573.1—573.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The temporary regulations are effective July 16, 2011.

(c) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(d) The temporary regulations are subject to amendment as deemed necessary by the Board.

(e) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

GREGORY C. FAJT,  
Chairperson

**Fiscal Note:** 125-153. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 58. RECREATION

## PART VII. GAMING CONTROL BOARD

## Subpart K. TABLE GAMES

## CHAPTER 523. TABLE GAME EQUIPMENT

## § 523.10. Exchange and redemption of gaming chips and plaques.

\* \* \* \* \*

(1) Employees of a certificate holder may be authorized to receive value chips as personal gratuities. Additionally, cocktail servers and other employees who are serving food and beverage on the gaming floor may be authorized to receive value chips in exchange for food and beverage purchased and served to patrons on the gaming floor. Employees of a certificate holder who are authorized to receive value chips as personal gratuities shall redeem the gaming chips at the cashiers' cage or at another secure location, as approved by the Board, prior to leaving the licensed facility. Value chips redeemed at a noncage employee redemption site shall be exchanged on a daily basis with the cashiers' cage in accordance with procedures approved by the Board. Each certificate holder shall submit to the Board for approval internal controls to ensure the proper exchange and accounting of the value chips received as personal gratuities and for the purchase of food and beverage on the gaming floor.

\* \* \* \* \*

## CHAPTER 526. CREDIT

## § 526.4. Approval of credit limits.

(a) A credit limit, and any changes thereto, shall be approved by either:

(1) Two or more employees holding the job positions of credit manager, assistant credit manager, credit shift manager, credit executive or other key employee in a direct reporting line above the credit manager.

(2) A credit committee composed of at least two of the employees listed in paragraph (1) which may approve credit as a group.

(b) The approval of credit shall be recorded in the patron's credit file and include:

(1) Other information used to support the credit limit and any changes thereto, including the source of the information, if the information is not otherwise required to be recorded under this section.

(2) A brief summary of the key factors relied upon in approving or reducing the requested credit limit and any changes thereto.

(3) If derogatory information was obtained during the verification process, the reason credit was approved.

(4) The signatures of the employees approving the credit limit, together with the date and time of the authorization, shall be recorded before any actual extension of credit. A certificate holder may obtain verbal authorization from one of the employees required to approve credit limits provided that the date and time that the verbal authorization was given is noted in the patron's credit file. Upon arrival at the licensed facility, the employee who verbally approved a patron's credit limit shall sign and date the patron's credit file.

(c) Prior to approving a credit limit increase, an employee of the certificate holder's credit department shall:

(1) Obtain a written request from the patron which includes:

- (i) The date and time of the patron's request.
- (ii) The amount of credit limit increase requested by the patron.
- (iii) The signature of the patron.

(2) Reverify the patron information required under § 526.3(c) (relating to application and verification procedures for granting credit).

(3) Consider the patron's player rating based on a continuing evaluation of the amount and frequency of play subsequent to the patron's initial receipt of credit.

(4) Include the information and documentation required under paragraphs (1)–(3) in the patron's credit file.

## CHAPTER 555. CARIBBEAN STUD POKER

### § 555.7. Wagers.

(a) All wagers at Caribbean Stud Poker shall be made by placing gaming chips or plaques on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may not be accepted.

(b) All Ante Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 555.8, § 555.9 or § 555.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). No wager may be made, increased, or withdrawn after the dealer has announced "no more bets."

(c) Upon placing an Ante Wager, a player may, at the player's discretion, place a progressive payout wager by placing a \$1 gaming chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective progressive payout wager has been accepted.

(d) A Bet Wager shall be made in accordance with § 555.11 (relating to Bet Wagers; procedure for completion of each round of play; collection and payment of wagers).

(e) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submission), offer to each player at a Caribbean Stud Poker table the option to make an additional Caribbean Stud Bonus Wager that the player's cards will form a five-card poker hand with a rank of a pair of 10s or better. After placing an Ante Wager, a player may make the additional Caribbean Stud Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(f) A player may not be permitted to play more than one hand per round of play.

(g) Only players who are seated at the Caribbean Stud Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

### § 555.11. Bet Wagers; procedure for completion of each round of play; collection and payment of wagers.

(a) After the dealing procedures required under § 555.8, § 555.9 or § 555.10 (relating to procedure for

dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed but before the dealer exposes the hole cards, each player shall, after examining his cards, either place a Bet Wager in the designated betting area or fold and forfeit the Ante Wager. If a player folds, the entire Ante Wager shall be collected by the dealer and placed in the table inventory container. A folded hand shall then be immediately collected by the dealer and placed in the discard rack.

(b) Each player who makes a Bet Wager shall be responsible for his own hand and no other person other than the dealer may touch the cards of that player. Each player shall be required to keep the five cards in full view of the dealer at all times. Once each player has examined his cards and placed the five cards face down on the appropriate area of the layout, the player may not touch the cards again.

(c) A player may not exchange or communicate information regarding his hand prior to the dealer revealing the hole cards. Any violation shall result in a forfeiture of all wagers on that round by the players communicating.

(d) After all players have either placed a Bet Wager or folded, the dealer shall turn over and reveal the dealer's four hole cards and set the highest ranking poker hand.

(e) After the hole cards are revealed, the dealer shall, starting with the player farthest to the dealer's right, turn over the player's cards and if the dealer has a qualifying hand:

(1) All losing wagers shall immediately be collected by the dealer and placed in the table inventory container. All losing hands shall then be immediately collected by the dealer and placed in the discard rack. Ante and Bet Wagers made by a player shall lose if the qualifying hand of the dealer has a hand rank which is higher than the hand of that player. A Caribbean Stud Bonus Wager and a Progressive Payout Wager, if offered by the certificate holder, shall be paid irrespective of whether the player's five-card poker hand outranks the dealer's hand.

(2) If the hand of the player ties with that of the dealer's qualifying hand, the hand of the player shall be a tie. The dealer shall return the player's Ante and Bet Wagers to the player, and immediately collect the cards of that player after all losing wagers and hands have been collected.

(3) After all losing wagers and ties have been settled, all winning Ante and Bet Wagers shall be paid. All winning hands shall remain face up on the layout until all winning Ante, Bet Wagers and, if applicable, Caribbean Stud Bonus Wagers and Progressive Payout Wagers are paid. Winning wagers shall be paid in accordance with the payout odds in § 555.13 (relating to payout odds; rate of progression; payout limitation.) The dealer shall pay all winning wagers beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table. Any wager made by a player shall win if the hand of the player has a hand rank higher than that of the dealer's qualifying hand. After paying all winning Ante and Bet Wagers, the dealer shall immediately collect the cards of all winning players and place them in the discard rack; provided however, if a player has won a progressive payout which is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(f) After the hole cards are revealed, if the dealer does not have a qualifying hand:

(1) The dealer shall be required to turn over the cards of any player who has made a progressive wager in accordance with § 555.7(c) (relating to wagers) or a Caribbean Stud Bonus Wager in accordance with § 557.7(e) and shall pay all winning progressive wagers in accordance with § 555.12 (relating to progressive payout) and all winning Caribbean Stud Bonus Wager in accordance with the payout odds in § 555.13.

(2) The dealer shall immediately announce "no hand" and pay all Ante Wagers at payouts odds of 1 to 1. The dealer shall pay all Ante Wagers beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table.

(3) All Bet Wagers shall be considered void and the dealer shall return the Bet Wagers to the players.

(4) After paying all Ante Wagers, the dealer shall immediately collect the cards of all players and place them in the discard rack; provided however, if a player has won a progressive payout which is not being paid from the table inventory container, the cards of that player shall not be collected until the necessary documentation has been completed.

(g) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that the cards can be readily arranged to reconstruct each hand in the event of a question or dispute.

**§ 555.13. Payout odds; rate of progression; payout limitation.**

\* \* \* \* \*

(g) A player placing a Caribbean Stud Bonus Wager shall be paid at the odds in one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 521.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal Flush	1,000 to 1	1,000 to 1	1,000 to 1
Straight Flush	200 to 1	200 to 1	200 to 1
Four-of-a-kind	100 to 1	100 to 1	100 to 1
Full House	50 to 1	50 to 1	50 to 1
Flush	40 to 1	40 to 1	40 to 1
Straight	25 to 1	25 to 1	20 to 1
Three-of-a-kind	7 to 1	6 to 1	6 to 1
Two Pair	3 to 1	3 to 1	3 to 1
A Pair of 10s or better	1 to 1	1 to 1	1 to 1

**CHAPTER 563. TEXAS HOLD 'EM BONUS POKER**

**§ 563.10. Procedure for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 563.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce "no more bets" prior to dispensing any stacks of cards.

(b) The dealer shall deal the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager. As the remaining stacks are dispensed to the

dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack of two cards face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the dealer's hand.

(c) After each stack of two cards has been dispensed and delivered in accordance with this section, the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 563.9(a)(2) and (3) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards in accordance with § 563.11 (relating to procedure for completion of each round of play; collection and payment of wagers). After all community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 563.11.

**CHAPTER 569. ULTIMATE TEXAS HOLD 'EM POKER**

**§ 569.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 569.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) The dealer shall then announce "no more bets" prior to dispensing any stacks of cards and, if the certificate holder offers the Progressive Payout Wager, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.



(b) The dealer shall deal the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante and Blind Wager. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante and Blind Wager. The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the dealer's hand.

(c) After each stack of two cards has been dispensed and delivered in accordance with this section, the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 569.9(a)(2) and (3) (relating to procedure for dealing cards from the hand), deal from his hand the five community cards in accordance with § 569.11 (relating to procedures for completion of each round of play; collection and payment of wagers). After all community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards have not been misdealt, all hands shall be considered void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 569.11.

## CHAPTER 573. CRAZY 4 POKER

Sec.	Definitions.
573.1.	Crazy 4 Poker table physical characteristics.
573.2.	Cards; number of decks.
573.3.	Opening of the table for gaming.
573.4.	Shuffle and cut of the cards.
573.5.	Crazy 4 Poker rankings.
573.6.	Wagers.
573.7.	Procedure for dealing the cards from a manual dealing shoe.
573.8.	Procedure for dealing the cards from the hand.
573.9.	Procedures for dealing the cards from an automated dealing shoe.
573.10.	Procedures for completion of each round of play.
573.11.	Payout odds; Envy Bonus, rate of progression.
573.12.	Irregularities.
573.13.	

### § 573.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Crazy 4 Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—The term means either of the following:

(i) A player's four-card poker hand with a rank of four-of-a-kind

(ii) If included in the paytable selected by the certificate holder, a straight flush, as defined in § 573.6(b) (relating to Crazy 4 Poker rankings).

*Hand*—The four-card poker hand that is held by each player and the dealer after the cards are dealt.

*Play Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

*Progressive Payout Hand*—A player's four-card poker hand with a rank of three-of-a-kind or better as defined in § 573.6(b).

*Queens Up Wager*—The wager that a player is required to make prior to any cards being dealt to compete against a posted paytable, regardless of the outcome of the player's hand against the dealer's hand.

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

### § 573.2. Crazy 4 Poker table physical characteristics.

(a) Crazy 4 Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Crazy 4 Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Four separate betting areas designated for the placement of Ante, Play, Super Bonus and Queens Up Wagers for each player. The Super Bonus betting area must be located to the right of the Ante Wager betting area and be separated by an "=" symbol.

(3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 573.7(d)(3) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Crazy 4 Poker table.

(5) Inscriptions that advise patrons of the following:

(i) The best four-card hand plays.

(ii) The dealer qualifies with a king or better.

(iii) A player who has a pair of aces or better may place a Play Wager in an amount up to three times the player's Ante Wager.

(iv) The player's Super Bonus Wager shall be returned if the player beats or ties the dealer with a hand that is not a straight or better.

(6) If the information required under paragraph (5) is not on the layout, a sign which sets forth the required information shall be posted at each Crazy 4 Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 573.7(d)(3), the Crazy 4 Poker table must have a progressive table game system, in accordance with § 524.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each Crazy 4 Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Crazy 4 Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

#### **§ 573.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Crazy 4 Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Crazy 4 Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Crazy 4 Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

#### **§ 573.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 573.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

#### **§ 573.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 523.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 573.8, § 573.9 or § 573.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the

cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Crazy 4 Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt if:

(i) The automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Laboratory Operations.

(g) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

#### **§ 573.6. Crazy 4 Poker rankings.**

(a) The rank of the cards used in Crazy 4 Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible poker hands in the game of Crazy 4 Poker, in order of highest to lowest rank, shall be:

(1) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(2) A straight flush, which is a hand consisting of four cards of the same suit in consecutive ranking, with an ace, king, queen and jack being the highest ranking straight flush and an ace, 2, 3, 4 being the lowest ranking straight flush.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(4) A flush, which is a hand consisting of four cards of the same suit, regardless of rank.

(5) A straight, which is a hand consisting of four cards of more than one suit and of consecutive rank, with ace, king, queen and jack being the highest ranking straight and an ace, 2, 3, 4 being the lowest ranking straight.

(6) Two pairs, which is a hand consisting of two pairs with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(7) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

#### **§ 573.7. Wagers.**

(a) Wagers at Crazy 4 Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Crazy 4 Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 573.8, § 573.9 or § 573.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 573.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Crazy 4 Poker:

(1) A player shall compete against the dealer's four-card poker hand by placing both an Ante Wager and a Super Bonus Wager in equal amounts, then a Play Wager, in accordance with § 573.11(b).

(2) In addition to the Ante and Super Bonus Wagers, a player may compete against a posted payable by placing a Queens Up Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer to each player at Crazy 4 Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante and Super Bonus Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) A player may not wager on more than one player position at a Crazy 4 Poker table.

#### **§ 573.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures re-



quired under § 573.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed face down on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 573.7(d)(1) (relating to wagers) and to the dealer until each player and the dealer have five cards.

(e) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

#### **§ 573.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 573.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all

times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 573.7(d)(1) (relating to wagers) and to the dealer until each player and the dealer have five cards.

(c) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

#### **§ 573.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 573.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 573.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 573.7(d)(1). The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 573.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 573.8, § 573.9 or § 573.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Crazy 4 Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed Ante and Super Bonus Wagers if he wishes to forfeit the Ante and Super Bonus Wagers and end his participation in the round of play or make a Play Wager in an amount equal to the player's Ante Wager provided, however, that a player who has a pair of aces or better may place a Play Wager in an amount up to three times the player's Ante Wager. If a player:

(1) Has placed an Ante, Super Bonus and Queens Up Wagers but does not make a Play Wager, the player shall forfeit all three wagers.

(2) Has placed Ante, Super Bonus and Progressive Payout Wagers but does not make a Play Wager, the player shall forfeit all three wagers but may not forfeit the eligibility to receive an Envy Bonus under § 573.12(d) (relating to payout odds; Envy Bonus, rate of progression).

(c) After each player who has placed an Ante Wager and a Super Bonus Wager has either placed a Play Wager on the designated area of the layout or forfeited his wagers and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking four-card poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking four-card poker hand for each player.

(3) If the dealer's highest ranking four-card poker hand:

(i) Is lower than a king, the dealer shall return each player's Ante Wager and shall pay out the Play and Super Bonus Wagers made by the player in accordance with the payout odds in § 573.12(a) and (b) provided, however, that the player's Super Bonus Wager will be returned if the player's winning hand is not a straight or better.

(ii) Is a king or better, and the player's highest ranking four-card poker hand:

(A) Is ranked lower than the dealer's four-card poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player and pay out the Super Bonus Wager made by the player in accordance with the payout odds in § 573.12(b).

(B) Is ranked higher than the dealer's four-card poker hand, the dealer shall pay the Ante, Play and Super Bonus Wagers made by the player in accordance with the payout odds in § 573.12(a) and (b) provided, however, that the player's Super Bonus Wager will be returned if the player's winning hand is not a straight or better.

(C) Is equal in rank to the dealer's four-card hand, the dealer shall return the Ante and Play Wagers and pay out the Super Bonus Wager in accordance with the payout odds in § 573.12(b) provided, however, that the player's Super Bonus Wager will be returned if the player's winning hand is not a straight or better.

(d) The dealer shall settle any Queens Up Wager made by the player by determining whether the player's four-card poker hand qualifies for a payout in accordance with § 573.12(c). A winning Queens Up Wager shall be paid irrespective of whether the player's four-card poker hand outranks the dealer's hand.

(e) After settling a player's Ante, Play, Super Bonus and Queens Up Wagers, the dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 573.12(d). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 573.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Crazy 4 Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(f) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 573.12. Payout odds; Envy Bonus, rate of progression.**

(a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

(b) A certificate holder shall pay the player's Super Bonus Wager in accordance with the following odds:

<i>Hand</i>	<i>Paytable</i>
Four Aces	200 to 1
Four-of-a-kind	30 to 1
Straight Flush	15 to 1
Three-of-a-kind	2 to 1
Flush	3 to 2
Straight	1 to 1

(c) A player placing a Queens Up Wager shall be paid at the odds in one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 521.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four-of-a-kind	50 to 1	50 to 1
Straight Flush	30 to 1	40 to 1
Three-of-a-kind	9 to 1	9 to 1
Flush	4 to 1	4 to 1
Straight	3 to 1	3 to 1
Two Pair	2 to 1	2 to 1
Pair of Queens or better	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Four-of-a-kind	50 to 1	50 to 1
Straight Flush	30 to 1	40 to 1
Three-of-a-kind	8 to 1	7 to 1
Flush	4 to 1	4 to 1
Straight	3 to 1	3 to 1
Two Pair	2 to 1	2 to 1
Pair of Queens or better	1 to 1	1 to 1

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 521.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four Aces	100% of meter	100% of meter
Four-of-a-kind	300 for 1	300 for 1
Straight Flush	100 for 1	100 for 1
Three-of-a-kind	9 for 1	15 for 1

(2) A player shall receive the payout for only the highest ranking four-card poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 521.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$5,000 for payable A and \$1,000 for payable B.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 573.11(j) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payout schedules for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

(i) If the certificate holder selects payable A from paragraph (1), the payout shall be:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four Aces	\$100
Four-of-a-kind	\$10
Straight Flush	\$5

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four Aces	\$500
Four-of-a-kind	\$50
Straight Flush	\$25

(ii) If the certificate holder selects payable B from paragraph (1), the payout shall be:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four Aces	\$100
Four-of-a-kind	\$25

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Four Aces	\$500
Four-of-a-kind	\$125

**§ 573.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the dealer's cards are inadvertently exposed prior to each player having either folded or placed a Play Wager as provided for under § 573.11 (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players, and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 11-1178. Filed for public inspection July 15, 2011, 9:00 a.m.]



# PROPOSED RULEMAKINGS

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 557, 559, 565, 569, 641a, 643a, 649a AND 653a ]

### Table Game Rules for Four Card Poker, Let It Ride Poker, Three Card Poker and Ultimate Texas Hold 'Em Poker

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1)—(4) (relating to regulatory authority), proposes to rescind Chapters 557, 559, 565 and 569 and add Chapters 641a, 643a, 649a and 653a to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

Under 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board initially adopted temporary regulations in Chapters 557, 559, 565 and 569. With this proposed rulemaking, the Board is proposing to replace the temporary regulations in Chapter 557 (relating to Four Card Poker) with the permanent regulations in Chapter 641a (relating to Four Card Poker), temporary regulations in Chapter 559 (relating to Let It Ride Poker) with the permanent regulations in Chapter 643a (relating to Let It Ride Poker), the temporary regulations in Chapter 565 (relating to Three Card Poker) with the permanent regulations in Chapter 649a (relating to Three Card Poker) and the temporary regulations in Chapter 569 (relating to Ultimate Texas Hold 'Em Poker) with the permanent regulations in Chapter 653a (relating to Ultimate Texas Hold 'Em Poker).

#### *Explanation of Chapter 641a*

Chapter 641a contains the rules governing the play of Four Card Poker. Section 641a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 641a.2 (relating to Four Card Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Four Card Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

#### *Explanation of Chapter 643a*

Chapter 643a contains the rules governing the play of Let It Ride Poker. Section 643a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 643a.2 (relating to Let It Ride Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Let It Ride Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary regulations, pay tables for the various wagers were updated in this proposed rulemaking to provide additional options for the operators.

#### *Explanation of Chapter 649a*

Chapter 649a contains the rules governing the play of Three Card Poker. Section 649a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 649a.2 (relating to Three Card Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Three Card Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary regulations, pay tables for the various wagers were updated in this proposed rulemaking to provide additional options for the operators.

#### *Explanation of Chapter 653a*

Chapter 653a contains the rules governing the play of Ultimate Texas Hold 'Em Poker. Section 653a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 653a.2 (relating to Ultimate Texas Hold 'Em Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Ultimate Texas Hold 'Em Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary regulations, the dealing procedure in § 653a.10 (relating to procedures for dealing the cards from an automated dealing shoe) for dealing the cards from an automated dealing shoe has been updated to accommodate the use of an automated dealing shoe that automatically reshuffles the cards.

#### *Affected Parties*

Certificate holders that elect to offer the games of Four Card Poker, Let It Ride Poker, Three Card Poker or Ultimate Texas Hold 'Em Poker will be required to comply with the requirements in this proposed rulemaking. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, table layouts, signage and gaming guides.

#### *Fiscal Impact*

*Commonwealth.* The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in this proposed rulemaking. These reviews will be conducted by existing

Bureau of Gaming Operations and the Bureau of Casino Compliance staff, so the Board does not project that it will incur any significant cost increases as a result of this proposed rulemaking.

*Political subdivisions.* This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding mandated by the act of January 7, 2010 (P. L. 1, No. 1).

*Private sector.* This proposed rulemaking will result in additional costs for certificate holders that elect to offer Four Card Poker, Let It Ride Poker, Three Card Poker or Ultimate Texas Hold 'Em Poker. Certificate holders will be required to purchase the table games they elect to offer and to hire and train employees to operate the games. The costs for table game equipment do vary depending on the type and number of tables purchased. The costs are expected to be offset by the revenues generated from table game operations.

*General public.* This proposed rulemaking will not have fiscal impact on the general public.

#### *Paperwork Requirements*

This proposed rulemaking will require certificate holders to do the following: post signs at gaming tables; have complete sets of rules for all the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Gaming Board web site.

#### *Effective Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Table Games Rules; Regulation # 125-152.

#### *Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 14, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory

Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

GREGORY C. FAJT,  
Chairperson

(*Editor's Note:* Proposed Chapters 641a, 643a, 649a and 653a reference proposed Chapters 601a, 603a and 605a, which will be adopted on or before the date of final adoption of this proposed rulemaking.)

**Fiscal Note:** 125-152. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

## PART VII. GAMING CONTROL BOARD

### Subpart K. TABLE GAMES

#### CHAPTER 557. (Reserved)

(*Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 557 which appears in 58 Pa. Code pages 557-1—557-12, serial pages (352383), (352384), (350075), (350076), (348577)—(348582), (351027) and (351028).)

Sec.  
557.1—557.13. (Reserved).

#### CHAPTER 559. (Reserved)

(*Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 559 which appears in 58 Pa. Code pages 559-1—559-16, serial pages (352385), (352386), (350077), (350078), (348589)—(348598), (351029) and (351030).)

Sec.  
559.1—559.15. (Reserved).

#### CHAPTER 565. (Reserved)

(*Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 565 which appears in 58 Pa. Code pages 565-1—565-18, serial pages (356737), (356738), (354617), (354618), (356613), (356614), (354621)—(354626), (356739), (356740) and (354783)—(354786).)

Sec.  
565.1—565.11. (Reserved).  
565.11a. (Reserved).  
565.11b. (Reserved).  
565.12. (Reserved).  
565.13. (Reserved).

#### CHAPTER 569. (Reserved)

(*Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 569 which appears in 58 Pa. Code pages 569-1—569-14, serial pages (352399)—(352402), (351057)—(351060), (354787)—(354790), (351065) and (351066).)

Sec.  
569.1—569.13. (Reserved).

### CHAPTER 641a. FOUR CARD POKER

Sec.  
641a.1. Definitions.  
641a.2. Four Card Poker table physical characteristics.  
641a.3. Cards; number of decks.  
641a.4. Opening of the table for gaming.  
641a.5. Shuffle and cut of the cards.  
641a.6. Four Card Poker rankings.  
641a.7. Wagers.  
641a.8. Procedures for dealing the cards from a manual dealing shoe.  
641a.9. Procedures for dealing the cards from the hand.  
641a.10. Procedures for dealing the cards from an automated dealing shoe.

- 641a.11. Procedures for completion of each round of play.  
 641a.12. Payout odds; Envy Bonus; rate of progression.  
 641a.13. Irregularities.

#### § 641a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Aces Up Wager*—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Four Card Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—The term means either of the following:

- (i) A player's Four Card Poker hand with a rank of four-of-a-kind
- (ii) If included in the payable selected by the certificate holder, a straight flush as defined in § 641a.6(b) (relating to Four Card Poker rankings).

*Hand*—The Four Card Poker hand that is held by each player and the dealer after the cards are dealt.

*Play Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

*Progressive Payout Hand*—A player's Four Card Poker hand with a rank of three-of-a-kind or better as defined in § 641a.6(b).

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

#### § 641a.2. Four Card Poker table physical characteristics.

(a) Four Card Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Four Card Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Three separate betting areas designated for the placement of Ante, Play and Aces Up Wagers for each player.

(3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 641a.7(d)(4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Four Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 641a.7(d)(4), the Four Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each Four Card Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Four Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

#### § 641a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Four Card Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Four Card Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Four Card Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

#### § 641a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 641a.5 (relating to shuffle and cut of the cards).



(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 641a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Four Card Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt if:

(i) The automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Laboratory Operations.

(g) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

**§ 641a.6. Four Card Poker rankings.**

(a) The rank of the cards used in Four Card Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible poker hands in the game of Four Card Poker, in order of highest to lowest rank, shall be:

(1) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(2) A straight flush, which is a hand consisting of four cards of the same suit in consecutive ranking, with an ace, king, queen and jack being the highest ranking straight flush and an ace, 2, 3, 4 being the lowest ranking straight flush.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(4) A flush, which is a hand consisting of four cards of the same suit, regardless of rank.

(5) A straight, which is a hand consisting of four cards of more than one suit and of consecutive rank, with ace, king, queen and jack being the highest ranking straight and an ace, 2, 3, 4 being the lowest ranking straight.

(6) Two pairs, which is a hand consisting of two pairs with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(7) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.



**§ 641a.7. Wagers.**

(a) Wagers at Four Card Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Four Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 641a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Four Card Poker:

(1) A player may compete solely against the dealer's Four Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 641a.11(b), in an amount from one to three times the amount of the player's Ante Wager.

(2) A player may compete solely against a posted payable by placing an Aces Up Wager.

(3) A player may compete against both the dealer's Four Card Poker hand and the posted payable by placing an Ante Wager and an Aces Up Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Four Card Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) A certificate holder shall specify in its Rules Submission under § 601a.2, the number of adjacent boxes on which a player may place a wager in one round of play.

**§ 641a.8. Procedures for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers

and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 641a.7 (relating to wagers) and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players and the first five cards dealt to the dealer shall be dealt face down. The dealer's sixth card shall be dealt face up. The dealer's fifth and sixth cards shall be dealt consecutively.

(e) After five cards have been dealt to each player and six to the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 5 cards or the dealer has more or less than 6 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 641a.9. Procedures for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game

system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 641a.7 (relating to wagers) and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players and the first five cards dealt to the dealer shall be dealt face down. The sixth card dealt to the dealer shall be dealt face up. The dealer's fifth and sixth cards shall be dealt consecutively.

(c) After five cards have been dealt to each player and six cards have been dealt to the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 5 cards or the dealer has more or less than 6 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 641a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers

accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 641a.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 641a.7. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards. When the automated dealing shoe dispenses the next sequence of five cards, the dealer shall remove the stack and spread the cards face down on the layout so that the top card of the stack is to the dealer's right and the bottom card is to the dealer's left. The dealer shall turn the bottom card of the stack (the card on the dealer's far left) face up on the dealer's hand. The dealer shall collect the remaining four cards of that stack and place the cards in the discard rack without revealing the cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 5 cards or the dealer has more or less than 6 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 641a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Four Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount from one to three times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and an Aces Up Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but may not forfeit the Aces Up Wager.

(2) Has placed an Ante Wager and a Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 641a.12(d) (relating to payout odds; Envy Bonus; rate of progression).

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and select the four cards that form the highest possible ranking Four Card Poker hand. After the dealer's cards are turned face up, the dealer shall beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and select the four cards that form the highest possible ranking poker hand for each player.

(3) If a player's highest ranking Four Card Poker hand is ranked:

(i) Lower than the dealer's Four Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(ii) Higher than or equal to the dealer's Four Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 641a.12(a) and (b).

(4) After settling a player's Ante and Play Wagers, the dealer shall settle any Aces Up Wagers by determining whether the player's Four Card Poker hand qualifies for a payout in accordance with § 641a.12(c). A winning Aces Up Wager shall be paid irrespective of whether the player's Four Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 641a.12(d). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 641a.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Four Card Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(d) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

#### **§ 641a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

(b) A player placing an Ante Wager and a Play Wager shall be paid a bonus on the Ante Wager, at the odds in the following paytable, regardless of whether the player's Four Card Poker hand outranks the dealer's hand:

<i>Hand</i>	<i>Paytable</i>
Four-of-a-kind	25 to 1
Straight Flush	20 to 1
Three-of-a-kind	2 to 1

(c) A player placing an Aces Up Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight Flush	30 to 1	30 to 1	40 to 1
Three-of-a-kind	9 to 1	7 to 1	8 to 1
Flush	6 to 1	6 to 1	5 to 1
Straight	4 to 1	5 to 1	4 to 1
Two Pair	2 to 1	2 to 1	3 to 1
Pair of Aces	1 to 1	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight Flush	40 to 1	30 to 1	40 to 1
Three-of-a-kind	8 to 1	8 to 1	7 to 1
Flush	6 to 1	6 to 1	5 to 1
Straight	4 to 1	4 to 1	4 to 1
Two Pair	2 to 1	2 to 1	3 to 1
Pair of Aces	1 to 1	1 to 1	1 to 1



(d) If a certificate holder offers a Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four Aces	100% of meter	100% of meter
Four-of-a-kind	300 for 1	300 for 1
Straight Flush	100 for 1	100 for 1
Three-of-a-kind	9 for 1	15 for 1

(2) A player shall receive the payout for only the highest ranking Four Card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$5,000 for payable A and \$1,000 for payable B.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 641a.11(c) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to one of the following payout schedules, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2, for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Paytable A Envy Bonus</i>	<i>Paytable B Envy Bonus</i>
Four Aces	\$100	\$100
Four-of-a-kind	\$10	\$25
Straight Flush	\$5	N/A

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Paytable A Envy Bonus</i>	<i>Paytable B Envy Bonus</i>
Four Aces	\$500	\$500
Four-of-a-kind	\$50	\$125
Straight Flush	\$25	N/A

**§ 641a.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If a player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing his cards in accordance with § 641a.11(c) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

**CHAPTER 643a. LET IT RIDE POKER**

Sec.

- 643a.1. Definitions.
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- 643a.10. Procedure for dealing the cards from an automated dealing shoe.
- 643a.11. Procedures for completion of each round of play.
- 643a.12. Payout odds; payout limitation.
- 643a.13. Irregularities.

**§ 643a.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Community card*—A card which is used by all players to form a five-card poker hand.

*Hand*—The five-card poker hand formed for each player by combining the three cards dealt to the player and the two community cards.

*Let It Ride*—When a player does not withdraw a wager as permitted under § 643a.11(b) and (d) (relating to procedures for completion of each round of play).

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

**§ 643a.2. Let It Ride Poker table physical characteristics.**

(a) Let It Ride Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Let It Ride Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:



- (1) The name or logo of the certificate holder.
- (2) Three separate betting areas designated for the placement of the Let It Ride Poker Wagers required under § 643a.7(d) (relating to wagers) for each player.
- (3) Separate areas designated for the placement of the cards of each player.
- (4) A separate area designated for the placement of the community cards located directly in front of the table inventory container.
- (5) If the certificate holder offers the optional Let It Ride Bonus Wager authorized under § 643a.7(e), a separate area designed for the placement of the Let It Ride Bonus Wager for each player.
- (6) If a certificate holder offers the optional Three Card Bonus Wager authorized under § 643a.7(f), a separate area designated for the placement of the Three Card Bonus Wager for each player.
- (7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Let It Ride Poker table.
- (8) An inscription indicating the payout limit per hand established by the certificate holder under § 643a.12(d) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Let It Ride Poker table.
- (c) If a certificate holder offers the Let It Ride Bonus Wager in accordance with § 643a.7(e), the Let It Ride Poker table must have a table game system, approved by the Bureau of Gaming Laboratory Operations, which includes:
  - (1) A wagering device at each betting position that acknowledges or accepts the placement of the Let It Ride Bonus Wager.
  - (2) A device that controls or monitors the placement of Let It Ride Bonus Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Let It Ride Bonus Wager that a player attempts to place after the dealer has announced "no more bets."
  - (d) Each Let It Ride Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.
  - (e) Each Let It Ride Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

#### **§ 643a.3. Cards; number of decks.**

- (a) Except as provided in subsection (b), Let It Ride Poker shall be played with one deck of cards that are identical in appearance and one cover card.
- (b) If an automated card shuffling device is utilized, Let It Ride Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Let It Ride Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

#### **§ 643a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 643a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

#### **§ 643a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards

are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were preshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Let It Ride Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt if:

(i) The automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Laboratory Operations.

(g) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

**§ 643a.6. Let It Ride Poker rankings.**

(a) The rank of the cards used in Let It Ride Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2, 3). All suits shall be equal in rank.

(b) The permissible poker hands at the game of Let It Ride Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand containing two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) If the certificate holder offers the optional Three Card Bonus Wager under § 643a.7(f) (relating to wagers), the Three Card Bonus Wager hands eligible for a payout shall be:

(1) A mini-royal, which is a hand consisting of an ace, king and queen, all of the same suit.

(2) A straight flush, which is a hand, other than a mini-royal, consisting of three cards of the same suit in consecutive ranking.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(4) A straight, which is a hand consisting of three cards of consecutive rank, including an ace, 2 and 3.

(5) A flush, which is a hand consisting of three cards of the same suit, not in consecutive order.

(6) A pair, which is a hand consisting of two cards of the same rank.

**§ 643a.7. Wagers.**

(a) Wagers at Let It Ride Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Let It Ride Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player

leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Let It Ride Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 643a.11(b) and (d) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play, a player shall place three equal but separate Let It Ride Poker wagers designated as Bet Number 1, Bet Number 2 and Bet Number 3. Bet Number 1 and Bet Number 2 may subsequently be removed by the player in accordance with § 643a.11(b) and (d).

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Let It Ride Poker table the option to make an additional Let It Ride Bonus Wager that the player will have a five-card poker hand with a rank of a pair of tens or better, two pair or better or three-of-a-kind or better, depending on the paytable selected by the certificate holder in its Rules Submission under § 601a.2. After placing the three wagers required under subsection (d), a player may make an additional Let It Ride Bonus Wager by placing a value chip onto the wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Three Card Bonus Wager has been accepted.

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Let It Ride Poker table the option to make an additional Three Card Bonus Wager that the three cards dealt to the player will have a rank of a pair or better. After placing the three wagers required under subsection (d), a player may make an additional Three Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(g) A Let It Ride Bonus Wager or a Three Card Bonus Wager may not have a bearing on any other wagers made by the player.

(h) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

**§ 643a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Let It Ride Bonus Wager is being offered, use the table game system to prevent the placement of any additional Let It Ride Bonus Wagers. If any Let It Ride Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the

number of Let It Ride Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(e) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designed for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 643a.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that



round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” bets” and, if the Let It Ride Bonus Wager is being offered, use the table game system to prevent the placement of any additional Let It Ride Bonus Wagers. If any Let It Ride Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Let It Ride Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(c) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

#### **§ 643a.10. Procedure for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Let It Ride Bonus Wager is being offered, use the table game system to prevent the placement of any additional Let It Ride Bonus Wagers. If any Let It Ride Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Let It Ride Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed the three required wagers in accordance with § 643a.7(d). The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the community cards, and spread the stack within the designated area so that the top card is to the dealer’s right and the bottom card is to the dealer’s left. The dealer shall then remove the community card that is to his left, and place that card in the discard rack without exposing the card.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.



**§ 643a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Let It Ride Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(3) After each player has made a decision regarding Bet Number 2 as required under subsection (d), the player's cards shall be placed face down on the appropriate area of the layout and the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 1 or Let It Ride. If a player:

(1) Chooses to let Bet Number 1 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 1, the dealer shall move the value chips on the betting area designated for Bet Number 1 toward the player who shall then immediately remove the value chips from the betting area.

(c) After each player has made a decision regarding Bet Number 1, the dealer shall then turn the community card that is to the dealer's left face up and place it on top of the remaining community card. The exposed card shall become the first community card.

(d) After the first community card is exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 2 or Let It Ride. This decision shall be made by each player regardless of the decision made concerning Bet Number 1. If a player:

(1) Chooses to let Bet Number 2 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 2, the dealer shall move the value chips on the betting area designated for Bet Number 2 toward the player who shall then immediately remove the value chips from the betting area.

(e) The dealer shall then move the first community card to the right of the card that remains face down in the community card area. The face down card shall be turned face up by the dealer and become the second community card.

(f) After the second community card is turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of the player face up on the layout. The two community cards and the three cards dealt to the player shall form the five-card poker hand of that player.

(2) The dealer shall examine the cards of the player and form the highest ranking poker hand for each player.

(3) The dealer shall first settle all Let It Ride Poker Wagers of that player, then any Let It Ride Bonus Wager or Three Card Bonus Wager in accordance with the payout odds under § 643a.12 (relating to payout odds; payout limitation).

(g) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 643a.12. Payout odds; payout limitation.**

(a) Subject to the payout limitation in subsection (d), a certificate holder shall pay out winning Let It Ride Poker Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal Flush	1,000 to 1	500 to 1
Straight Flush	200 to 1	200 to 1
Four-of-a-kind	50 to 1	50 to 1
Full House	11 to 1	11 to 1
Flush	8 to 1	8 to 1
Straight	5 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1
Two Pair	2 to 1	2 to 1
Pair—Tens or better	1 to 1	1 to 1

(b) If a certificate holder offers the Let It Ride Bonus Wager, the certificate holder shall pay out winning Let It Ride Bonus Wagers at the amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal Flush	\$25,000	\$20,000	\$20,000
Straight Flush	\$2,500	\$2,000	\$2,000
Four-of-a-kind	\$400	\$200	\$100
Full House	\$200	\$75	\$75
Flush	\$50	\$50	\$50
Straight	\$25	\$25	\$25
Three-of-a-kind	\$5	\$5	\$9
Two Pair	\$0	\$4	\$6
Pair—Tens or better	\$0	\$1	\$0

(c) If a certificate holder offers the Three Card Bonus Wager, the certificate holder shall pay off winning Three Card Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Mini-royal	40 to 1	40 to 1	40 to 1
Straight Flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Mini-royal	50 to 1	50 to 1	50 to 1
Straight Flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

(d) Notwithstanding the payout odds in subsection (a), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder shall apply only to payouts of Let It Ride Poker Wagers placed under § 643a.7(d) (relating to wagers) but may not apply to payouts of Let It Ride Bonus Wagers placed under § 643a.7(e) or Three Card Bonus Wagers placed under § 643a.7(f).

#### § 643a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the community cards is inadvertently exposed prior to the dealer revealing the community cards in accordance with § 643a.11(c) and (e) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the auto-

mated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

### CHAPTER 649a. THREE CARD POKER

#### Sec.

- 649a.1. Definitions.
- 649a.2. Three Card Poker table physical characteristics.
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- 649a.10. Procedures for dealing the cards from an automated dealing shoe.
- 649a.11. Procedures for completion of each round of play.
- 649a.12. Payout odds; Envy Bonus; rate of progression.
- 649a.13. Irregularities.

#### § 649a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Three Card Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player's Three Card Poker hand of an ace, king and queen of the same suit.

*Hand*—The Three Card Poker hand that is held by each player and the dealer after the cards are dealt.

*Pair Plus Wager*—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

*Play Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

*Progressive Payout Hand*—The term means either of the following:

(i) A player's Three Card Poker hand with a rank of a three-of-a-kind or better.

(ii) If included in the payable selected by the certificate holder, a straight, as defined in § 649a.6 (relating to Three Card Poker rankings).

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

#### § 649a.2. Three Card Poker table physical characteristics.

(a) Three Card Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Three Card Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Three separate betting areas designed for the placement of Ante, Play and Pair Plus Wagers for each player.

(3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 649a.7(d)(4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Six Card Bonus Wager authorized under § 649a.7(d)(5), a separate area designated for the placement of the Six Card Bonus Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder and the phrase "Dealer Plays with Queen High or Better." If payout odds or amounts are not inscribed on the layout, a sign indicating the payout odds or amounts for all permissible wagers shall be posted at each Three Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 649a.7(d)(4), the Three Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each Three Card Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Three Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

#### **§ 649a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Three Card Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Three Card Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Three Card Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

#### **§ 649a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 649a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

#### **§ 649a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).



(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Three Card Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt if:

(i) The automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Laboratory Operations.

(g) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

#### **§ 649a.6. Three Card Poker rankings.**

(a) The rank of the cards used in Three Card Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2 and 3 but may not be combined with any other sequence of cards (for example, king, ace and 2). All suits shall be equal in rank.

(b) The permissible poker hands in the game of Three Card Poker, in order of highest to lowest rank, shall be:

(1) A straight flush, which is a hand consisting of three cards of the same suit in consecutive ranking, with an ace, king and queen being the highest ranking straight flush and an ace, 2, 3 being the lowest ranking straight flush.

(2) A three-of-a-kind, which is a hand consisting of three cards of the same rank with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(3) A straight, which is a hand consisting of three cards of more than one suit and of consecutive rank, with an

ace, king and queen being the highest ranking straight and an ace, 2, 3 being the lowest ranking straight.

(4) A flush, which is a hand consisting of three cards of the same suit, regardless of rank.

(5) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

(d) If a certificate holder offers the optional Six Card Bonus Wager under § 649a.7(d)(5) (relating to wagers), the Six Card Bonus Wager hands eligible for a payout shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, regardless of suit.

(4) A full house, which is a hand consisting of three-of-a-kind.

(5) A flush, which is a hand consisting of five cards of the same suit.

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, regardless of suit.

#### **§ 649a.7. Wagers.**

(a) Wagers at Three Card Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Three Card Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 649a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Three Card Poker:

(1) A player may compete solely against the dealer's Three Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 649a.11(b), in an amount equal to the player's Ante Wager.



(2) A player may compete solely against a posted payable by placing a Pair Plus Wager.

(3) A player may compete against both the dealer's Three Card Poker hand and the posted payable by placing an Ante Wager and a Pair Plus Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Three Card Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(5) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Three Card Poker table the option to make an additional Six Card Bonus Wager that the three cards dealt to the dealer and the three cards dealt to the player will form a five-card poker hand with a rank of a three-of-a-kind or better. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Six Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(e) Notwithstanding subsection (d)(1)–(3), a certificate holder may offer a version of Three Card Poker requiring:

(1) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to or greater than the Pair Plus Wager.

(2) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to at least 1/2 the Pair Plus Wager.

(3) The compulsory placement of an Ante Wager and a Pair Plus Wager, provided that one wager may be placed in an amount up to a maximum of five times the amount of the other wager without regard to which wager is the greater of the two.

(f) A certificate holder shall specify in its Rules Submission under § 601a.2, the number of adjacent boxes on which a player may place a wager in one round of play.

#### **§ 649a.8. Procedures for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down.

(e) After three cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

#### **§ 649a.9. Procedures for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down.

(c) After three cards have been dealt to each player and the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 649a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 649a.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 649a.7. The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the dealer's cards.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 649a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Three Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and a Pair Plus Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(2) Has placed an Ante Wager and a Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 649a.12(e) (relating to payout odds; Envy Bonus; rate of progression).

(3) Has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus Wager, but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager but does not forfeit the Six Card Bonus Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated

cards, except for the cards of those players who placed a Six Card Bonus Wager, and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking Three Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking Three Card Poker hand for each player.

(3) If the dealer's highest ranking Three Card Poker hand:

(i) Is lower than a queen high, the dealer shall pay each player's Ante Wager and return the player's Play Wager.

(ii) Is a queen high or better, and the player's highest ranking Three Card Poker hand is ranked:

(A) Lower than the dealer's Three Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(B) Higher than the dealer's Three Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 649a.12(a) and (b).

(C) Equally with the dealer's Three Card Poker hand, the dealer shall return the player's Ante and Play Wagers.

(4) After settling the player's Ante and Play Wagers, the dealer shall settle any Pair Plus Wagers by determining whether the player's Three Card Poker hand qualifies for a payout in accordance with § 649a.12(d). A winning Pair Plus Wager shall be paid irrespective of whether the player's Three Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Verify that the appropriate light on the progressive table game system has been illuminated.

(iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 649a.12(e). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 649a.12(e). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Three Card Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple

Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(6) The dealer shall then settle the Six Card Bonus Wager, if offered by the certificate holder. A winning Six Card Bonus Wager shall be paid irrespective of the outcome of the player's Ante Wager or Pair Plus Wager. The dealer shall arrange the dealer's three cards and the player's three cards to form the highest ranking five-card poker hand for each player. If a player has a three-of-a-kind or better, as described in § 649a.6(d) (relating to Three Card Poker rankings), the dealer shall pay the winning Six Card Bonus Wager in accordance with the payout odds in § 649a.12(f).

(d) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

#### **§ 649a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

(b) A player placing an Ante Wager and a Play Wager shall be paid a bonus on the Ante Wager, at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), regardless of whether the player's Three Card Poker hand outranks the dealer's hand:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Straight Flush	5 to 1	5 to 1	4 to 1
Three-of-a-kind	4 to 1	3 to 1	3 to 1
Straight	1 to 1	1 to 1	1 to 1

(c) If a certificate holder offers the version of Three Card Poker as described in § 649a.7(e) (relating to wagers), a player placing an Ante Wager and Play Wager shall be paid an Ante Bonus at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Ace, King, Queen of Spades	50 to 1	50 to 1	50 to 1
Ace, King, Queen	5 to 1	50 to 1	10 to 1
Straight Flush	4 to 1	8 to 1	6 to 1
Three-of-a-kind	3 to 1	6 to 1	3 to 1
Straight	1 to 1	N/A	N/A

(d) A player placing a Pair Plus Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Straight Flush	35 to 1	40 to 1	40 to 1
Three-of-a-kind	25 to 1	30 to 1	30 to 1
Straight	5 to 1	5 to 1	6 to 1
Flush	3 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

(e) If a certificate holder offers a Progressive Payout Wager:



(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Ace, King and Queen of Spades	100% of meter	100% of meter
Ace, King and Queen of Hearts, Diamonds or Clubs	500 for 1	500 for 1
Straight Flush	70 for 1	100 for 1
Three-of-a-kind	60 for 1	90 for 1
Straight	6 for 1	N/A

(2) A player shall receive the payout for only the highest ranking Three Card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payouts in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and must be at least 14% for Paytable A and 20% for Paytable B. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$1,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payout schedules for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Ace, King and Queen of Spades	\$100
Ace, King and Queen of Hearts, Diamonds or Clubs	\$25

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Ace, King and Queen of Spades	\$500
Ace, King and Queen of Hearts, Diamonds or Clubs	\$125

(f) If a certificate holder offers the Six Card Bonus Wager, the certificate holder shall pay out winning Six Card Bonus Wagers at the amounts in one of the following pay tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal Flush	1,000 to 1	1,000 to 1	1,000 to 1
Straight Flush	200 to 1	200 to 1	200 to 1
Four-of-a-Kind	50 to 1	100 to 1	100 to 1
Full House	25 to 1	20 to 1	20 to 1
Flush	20 to 1	15 to 1	15 to 1
Straight	10 to 1	9 to 1	10 to 1
Three-of-a-kind	5 to 1	8 to 1	7 to 1

**§ 649a.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If a player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing his cards in accordance § 649a.11(c) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

**CHAPTER 653a. ULTIMATE TEXAS HOLD 'EM POKER**

<i>Sec.</i>	<i>Definitions.</i>
653a.1.	Definitions.
653a.2.	Ultimate Texas Hold 'Em Poker table physical characteristics.
653a.3.	Cards; number of decks.
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653a.13.	Irregularities.

**§ 653a.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

**Burn**—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

**Check**—Waiving the right to place a Play Wager but remaining in the round of play.



*Community card*—A card which may be used by all players and the dealer to form the best possible five-card poker hand.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player's five-card poker hand with a rank of a straight flush or better as defined in § 653a.6(b) (relating to Ultimate Texas Hold 'Em Poker rankings).

*Flop*—The first three community cards dealt during a round of play.

*Fold*—The withdrawal of a player from a round of play by not making a Play Wager.

*Hand*—The five-card poker hand formed from the two cards of the player or the dealer and any of the five community cards.

*Play Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

*Progressive Payout Hand*—A player's five-card poker hand with a rank of three-of-a-kind or better as defined in § 653a.6(b).

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

*Trips Wager*—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

#### **§ 653a.2. Ultimate Texas Hold 'Em Poker table physical characteristics.**

(a) Ultimate Texas Hold 'Em Poker shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for an Ultimate Texas Hold 'Em Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Four separate betting areas designated for the placement of Ante, Blind, Play and Trips Wagers for each player. The Blind Wager betting area must be located to the right of the Ante Wager betting area and separated by an "=" symbol.
- (3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.
- (4) A separate area designated for the placement of the dealer's two cards.
- (5) If a certificate holder offers the optional Progressive Payout Wager authorized under § 653a.7(d)(3) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Ultimate Texas Hold 'Em Poker table.

(7) Inscriptions indicating the following:

- (i) An Ante Wager will push if the dealer has less than a pair.
  - (ii) A Blind Wager will push if the player's winning hand is not a straight or better.
  - (iii) The rules governing the required amount of a Play Wager as a multiple of the player's Ante Wager.
  - (iv) The payout limit per hand established by the certificate holder under § 653a.12(e) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.
- (8) If the information required under paragraph (7) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Ultimate Texas Hold 'Em Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 653a.7(d)(3), the Ultimate Texas Hold 'Em Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

- (1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.
- (2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each Ultimate Texas Hold 'Em Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Ultimate Texas Hold 'Em Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

#### **§ 653a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Ultimate Texas Hold 'Em Poker shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Ultimate Texas Hold 'Em Poker may be played with two decks of cards in accordance with the following requirements:

- (1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.
- (2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.
- (3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Ultimate Texas Hold 'Em Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

**§ 653a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 653a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 653a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual dealing shoe;

procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at an Ultimate Texas Hold 'Em Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt if:

(i) The automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Laboratory Operations.

(g) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

**§ 653a.6. Ultimate Texas Hold 'Em Poker rankings.**

(a) The rank of the cards used in Ultimate Texas Hold 'Em Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card poker hands at the game of Ultimate Texas Hold 'Em Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecu-

tive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

#### **§ 653a.7. Wagers.**

(a) Wagers at Ultimate Texas Hold 'Em Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at an Ultimate Texas Hold 'Em Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 653a.11(b), (d) or (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Ultimate Texas Hold 'Em Poker:

(1) A player shall compete against the dealer's five-card poker hand by placing both an Ante Wager and a Blind Wager in equal amounts, then a Play Wager, in accordance with § 653a.11(b), (d) or (f).

(2) In addition to the Ante Wager and Blind Wager, a player may compete against a posted payable by placing a Trips Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante and Blind Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) A player may not wager on more than one player position at an Ultimate Texas Hold 'Em Poker table.

#### **§ 653a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 653a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed the required wagers, and the dealer have two cards.

(e) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 653a.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.



(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 653a.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 653a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed the required wagers, and the dealer have two cards.

(c) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 653a.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 653a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the required wagers in accordance with § 653a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a required wager in accordance with § 653a.7(d)(1). The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the placement of the dealer's cards.

(c) After each stack of two cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 653a.9(a)(2) and (b) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards in accordance with § 653a.11 (relating to procedures for completion of each round of play). After all five community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least



once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 653a.11.

**§ 653a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Ultimate Texas Hold 'Em Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Play Wager prior to the dealing of the Flop. The player may either check or place a Play Wager in an amount equal to three or four times the amount of the player's Ante Wager. If a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager.

(2) Checks, the player shall remain in the game and defer his decision to place a Play Wager until after the Flop is dealt.

(c) Once all players have either placed a Play Wager or checked, the dealer shall burn the next card. The dealer shall then deal the Flop face up to the designated area for the community cards.

(d) After the Flop has been dealt, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who has not already placed a Play Wager if he wishes to place a Play Wager prior to the dealing of the final two community cards. The player may either check or place a Play Wager in an amount equal to two times the amount of the player's Ante Wager. If a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager.

(2) Checks, the player shall remain in the game and defer his decision to place a Play Wager until after the next two community cards are dealt.

(e) Once all players have either placed a Play Wager or checked, the dealer shall burn the next card. The dealer shall then deal the next two cards in the deck face up to the designated area for the community cards.

(f) After the final two community cards have been dealt, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who has not already placed a Play Wager whether he wishes to fold or place a Play Wager equal in amount to the player's Ante Wager. If a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager.

(2) Folds, the Ante and Blind Wagers of the player shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed a Trips Wager, the dealer shall place the cards of the player face down underneath the player's Trips Wager pending its resolution at the conclusion of the round of play.

(ii) Has not placed a Trips Wager, the dealer shall immediately collect the player's cards and place them in the discard rack.

(g) After each player has either folded or placed a Play Wager, the dealer shall remove the cover card and turn his two cards face up on the layout. The dealer shall then select five cards from the dealer's two cards and the five community cards to form the highest ranking five-card poker hand and announce the dealer's hand to the players.

(h) If the dealer's highest ranking five-card poker hand:

(1) Is lower than a pair, the dealer shall, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, return each player's Ante Wager and resolve the Blind and Play Wagers in accordance with paragraph (2).

(2) Is a pair or better, the dealer shall, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, turn the two cards of each player who has placed a Play Wager face up on the layout. The dealer shall select five cards from the player's two cards and the five community cards to form the highest ranking five-card poker hand and shall announce the player's hand. The wagers of each player shall be resolved one player at a time regardless of outcome. If a player's five-card poker hand:

(i) Is ranked lower than the dealer's five-card poker hand, the dealer shall immediately collect the Ante, Blind and Play Wagers made by the player.

(ii) Is ranked higher than the dealer's five-card poker hand, the dealer shall pay the Ante, Blind and Play Wagers made by the player in accordance with the payout odds in § 653a.12 (relating to payout odds; Envy Bonus; rate of progression; payout limitation) provided, however, that the player's Blind Wager shall be returned if the player's winning hand is not a straight or better.

(iii) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Blind and Play Wagers.

(i) After settling a player's Ante, Blind and Play Wagers, the dealer shall settle any Trips Wager made by the player by determining whether the player's five-card poker hand qualifies for a payout in accordance with § 653a.12(c). A winning Trips Wager shall be paid irrespective of whether the player's five-card poker hand outranks the dealer's hand.

(j) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Verify that the appropriate light on the progressive table game system has been illuminated.
- (3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.
- (4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 653a.12(d). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 653a.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(k) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 653a.12. Payout odds; Envy Bonus, rate of progression; payout limitation.**

(a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

(b) If a player's five-card hand ranks higher than the dealer's five-card hand, a certificate holder shall pay the player's Blind Wager in accordance with the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal Flush	500 to 1
Straight Flush	50 to 1
Four-of-a-kind	10 to 1
Full house	3 to 1
Flush	3 to 2
Straight	1 to 1
Less than a straight	Push

(c) A player placing a Trips Wager shall be paid at the odds in one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal Flush	50 to 1	50 to 1
Straight Flush	40 to 1	40 to 1
Four-of-a-kind	30 to 1	30 to 1
Full house	9 to 1	8 to 1
Flush	7 to 1	6 to 1
Straight	4 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Royal Flush	50 to 1	50 to 1
Straight Flush	40 to 1	40 to 1
Four-of-a-kind	30 to 1	20 to 1
Full house	8 to 1	7 to 1
Flush	7 to 1	6 to 1
Straight	4 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal Flush	100% of meter
Straight Flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 653a.11(j) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payout schedule for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal Flush	\$1,000
Straight Flush	\$300

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal Flush	\$5,000
Straight Flush	\$1,500

(e) Notwithstanding the payout odds in subsections (a)—(c), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder shall apply only to payouts of Ultimate Texas Hold 'Em Poker Wagers placed under § 653a.7(d)(1) and (2) (relating to wagers) but does not apply to payouts for Progressive Payout Wagers placed under § 653a.7(d)(3).

#### § 653a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if the cards are found face up after each player and the dealer has received their initial two cards, the community cards shall be dealt and any Trips Wager shall be settled in accordance with the payout odds in § 653a.12(c) (relating to payout odds; Envy Bonus, rate of progression; payout limitation).

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player, the dealer or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the dealer's cards is inadvertently exposed prior to each player having either folded or placed a Play Wager as provided for under § 653a.11 (relating to procedures for completion of each round of play), all hands shall be void, all Ante, Blind and Play Wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if a player has placed a Trips Wager, the community cards shall be dealt and each Trips Wager shall be settled in accordance with the payout odds in § 653a.12(c).

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards

during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

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## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Hearing on Proposed Regulations for the Industrial Housing and Components Program

A public hearing has been scheduled, as required by section 5 of the Industrialized Housing Act (35 P.S. § 1651.5), on the proposed changes to the Industrial Housing and Components Program (Program) regulations in 12 Pa. Code Chapter 145 (relating to industrial housing and components). The proposed regulatory changes extend the Program to include commercial modular buildings as well as updating the current regulations to reflect current industry standards.

The hearing will be held on July 28, 2011, from 1 p.m. until 3 p.m. at Hearing Room 5, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

A copy of the proposed regulations will be provided to interested parties upon request by contacting Lisa Smink at (717) 720-7417 or lsmink@state.pa.us.

Persons with a disability who wish to attend this hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lisa Smink at (717) 720-7417 to make arrangements.

C. ALAN WALKER,  
*Secretary*

[Pa.B. Doc. No. 11-1180. Filed for public inspection July 15, 2011, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 41 ]

[ M-2011-2188361 ]

#### Scope of Commission Jurisdiction Over Passenger Transportation Services Provided or Administered by Municipal Corporations and Instrumentalities of the State

The Pennsylvania Public Utility Commission (Commission), on March 17, 2011, adopted a proposed policy statement which clarifies the exceptions to Commission jurisdiction for municipal corporation and instrumentalities of the State.

Public Meeting held  
March 17, 2011

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Tyrone J. Christy; Wayne E. Gardner; James H. Cawley

*Statement of Policy Regarding Scope of Commission Jurisdiction Over Passenger Transportation Services Provided or Administered by Municipal Corporations and Instrumentalities of the State; Doc. No. M-2011-2188361*

#### Proposed Policy Statement

*By the Commission:*

Any person or corporation transporting passengers as a common carrier is ordinarily considered a public utility, required to obtain a certificate of public convenience before offering service, and subject to Commission regulation. There are a number of exceptions to Commission jurisdiction enumerated in the Public Utility Code or recognized by common law. This policy statement addresses the exceptions for municipal corporations and instrumentalities of the state.

The scope of these exceptions has been the subject of litigation in a number of cases. The Commission intends to provide greater regulatory certainty on this question through the adoption of a statement of policy. In this Order, the Commission will propose guidelines to assist municipal corporations, common carriers, other state agencies and members of the public in determining when our jurisdiction is implicated. After a review of public comment filed in response to this Order, the Commission will adopt a final policy statement to provide guidance to municipal corporations, common carriers and other state agencies.

#### Background

A person or corporation that engages in the transportation of passengers as a common carrier normally meets the definition of "public utility." 66 Pa.C.S. § 102. However, the Commission's jurisdiction does not extend to utility service provided by municipalities or municipal authorities within their corporate limits. A municipal corporation must obtain a certificate of public convenience only if it intends to furnish service beyond its corporate limits. 66 Pa.C.S. § 1102(a)(5). The rates and character of this utility service will be subject to Commission jurisdiction if they are provided outside the corporate limits. 66 Pa.C.S. §§ 1301, 1501.

The Commission's jurisdiction also does not extend to state instrumentalities directly providing utility service. *Commonwealth of Pennsylvania v. Merritt-Chapman & Scott Corp.*, 248 A. 2d 194 (1968). In *Merritt-Chapman*, the Pennsylvania Supreme Court acknowledged that the Commission does have jurisdiction over "persons or corporations" operating turnpikes for the public for compensation, but concluded that a state instrumentality such as the Turnpike Commission, was not a "person or corporation" within the meaning of the Public Utility Code, and therefore not a public utility. *Merritt-Chapman*, 248 A.2d at 196 ("[I]t has been the position of the Legislature and the view of this Court that the Turnpike Commission is to be regarded essentially as an agency of the Commonwealth. As such it cannot be a public utility within the Public Utility Code.").

The correct application of the above-cited authority to the regulation of passenger carriers has been relatively simple in some contexts, but more difficult in others. For example, some Pennsylvania municipal corporations provide a passenger bus service that operates on scheduled routes. When the buses are owned by the municipality, the drivers are municipal employees, and the routes do not extend beyond the corporate limits of the municipality, it is well accepted that this type of service is non-jurisdictional.

More problematic, however, is the provision of these services through third parties under contract either with a municipal corporation or a state agency. For instance, many counties offer what are known as "shared-ride" or medical assistance transportation services.<sup>1</sup> These services receive funding through programs administered by the Pennsylvania Department of Transportation ("PennDOT") and the Pennsylvania Department of Public Welfare ("DPW"). Some of these services are provided directly by employees and vehicles owned by municipalities, but it is also common for a municipality to contract with a third party to provide these services.

The regulatory issue presented by these third-party arrangements is whether, and under what conditions, the "state instrumentality and municipal corporation" exception to the Commission's jurisdiction extends to the third party. This includes the extent to which these services are considered to be extra-territorial. A review of Commission and Commonwealth Court precedent is instructive.

The issue was first examined in the context of a complaint filed against the Southeastern Pennsylvania Transportation Authority ("SEPTA"), an entity created by an act of the General Assembly, and several carriers who were providing paratransit service. *Brocal Corporation v. Wheels Inc. et al.*, Docket C-812799 (Order entered May 13, 1983). The Commission was asked to address whether SEPTA, and carriers under contract with SEPTA, needed a certificate of public convenience to provide paratransit service.

The Commission held that the General Assembly gave SEPTA exclusive authority to regulate the rates and services it was established to provide, and that, accordingly, it did not require a certificate of public convenience

<sup>1</sup> A shared-ride program is defined as "Demand-responsive transportation that is available to the general public, operates on a nonfixed route basis and charges a fare to all riders. For transportation to be included in this definition, the first fare-paying passengers to enter the public transportation vehicle must not refuse to share the vehicle with other passengers during a given trip. The term excludes exclusive-ride taxi service, charter and sightseeing services, nonpublic transportation, school bus and limousine services." 72 P.S. § 3761-901.



to provide paratransit service within its service area.<sup>2</sup> The Commission also concluded that motor carriers under contract to SEPTA did not need a certificate, as SEPTA was expressly authorized by statute to contract for the services it provided. As a separate basis for its decision, the Commission also observed that it did not have jurisdiction over agents of a municipal corporation. SEPTA exercised "pervasive control" over the rates and services of these contractors, which was sufficient to establish that the carriers were its agents. *Id.* citing *Breston v. City of Bradford*, 41 PA PUC 349 (1964).

In a subsequent case involving Brocal Corporation, the Commission granted Brocal Corporation's objection to an assessment on revenue generated as part of transporting passengers pursuant to a program funded by DPW. *Brocal Corp.* 61 Pa. P.U.C. 518 (1986) ("*Brocal II*"). The Commission held that it lacked jurisdiction because DPW retained substantial ongoing control over rates, service, service extensions, etc. of the carrier.

This holding was affirmed in the context of an application for a certificate of public convenience filed by a carrier to provide paratransit service. Application of Helen McNulty, A-0018186 (Order entered April 18, 1989). The service was to be provided pursuant to a contract with Cambria County, but DPW provided 90% of the program funding. The carrier would have to comply with various DPW regulations for the program. The Commission concluded that it lacked jurisdiction over the service because DPW exercised substantial ongoing control over it, consistent with *Brocal II*. Accordingly, the application was dismissed for lack of jurisdiction.

Later the same year, the Commission made a similar finding regarding an application filed by a carrier that was going to provide paratransit service pursuant to a shared-ride program funded by PennDOT. In Re: Application of George Stouffer and Robert Sellers, Co-Partners, t/d/b/a Diamond "S" Cab Company, Docket A-00106732, F.3 (Order entered October 27, 1989). PennDOT had contracted with the Dauphin County Transportation Department to provide a shared-ride program. Dauphin County then subcontracted the program to a carrier that was not licensed to provide paratransit service. In dismissing the application, the Commission concluded that the carrier operated outside the Commission's jurisdiction under the municipal corporation exception, because Dauphin County exercised substantial ongoing control over the rates and services of the carrier.

In *Pennsylvania Public Utility Commission v. A.J. Myers & Sons, Inc.* A-00106393C892 (Order entered December 5, 1991), the Commission revisited this line of cases, including *Brocal II*, and reevaluated the scope of *Merritt-Chapman*. This case involved a contract between a university and carrier for student transportation. The Commission had filed a complaint against the carrier for transporting students to locations outside its certificated service territory. The carrier argued that the transportation service it provided under the contract was exempt since the university was an instrumentality of the state. In the alternative, the carrier asserted that it should also be exempt since the university exercised substantial ongoing control over its services.

While the record clearly established that the university set the rates and determined the routes for the service, the parties disagreed as to whether the university exercised substantial ongoing control over the carrier. In its decision, the Commission expressly reversed *Brocal II*

and concluded that the service was jurisdictional, and that the carrier needed a certificate of public convenience, stating:

If a state agency wants to provide transportation or other public utility service, then, under the *Merritt-Chapman* case, the agency need not obtain PUC approval. However, that State agency may not contract with a non-PUC certificated utility to provide transportation or other PUC related services.

A.J. Myers, pg. 11.

Accordingly, A.J. Myers stands for the proposition that municipal corporations enjoy a broader exception to Commission jurisdiction than state instrumentalities. A carrier under contract to a municipal corporation may be exempt from Commission jurisdiction, so long as it is subject to substantial ongoing control by the municipal corporation as to rates, routes, schedules and terms and conditions of service. But the very same carrier under contract to a state instrumentality will normally require a certificate of public convenience, regardless of the degree of control exercised by the state entity over its rates, routes, etc.

The Commission concluded that there was abundant statutory support for this distinction. It noted that the General Assembly had provided Commission oversight over transportation services provided to the State Liquor Control Board, and that PennDOT had adopted regulations requiring carriers participating in its shared-ride program to have a tariff on file with the Commission:

We must recognize and retain our statutory obligation to oversee public utility service provided to other State agencies. We should not continue to endorse the policy prescribed in *Brocal* which would result in having oversight responsibility for public utility service provided to some State agencies but not others.

A.J. Myers, pg. 12.

The last issue that will be addressed by this policy statement is what constitutes extraterritorial transportation service by a municipal corporation or its contractor. The Commonwealth Court rendered a decision on this issue in the context of an application to provide paratransit service under a shared-ride program funded by PennDOT. *County of Dauphin v. Pennsylvania Public Utility Commission*, 634 A.2d 281 (Pa. Cmwlth. 1993). The service was being provided by a carrier under contract to Dauphin County. The record showed that some of the persons who used this service would be transported to points outside Dauphin County. The Commission had held that a carrier was operating beyond the corporate limits of Dauphin County, and thus subject to its jurisdiction. On appeal, the Commonwealth Court reversed the Commission, finding that the service was deemed to be within the corporate limits so long as the trip began in Dauphin County. *Id.* at 283. The Court concluded that by limiting the service to trips that began within Dauphin County, the carrier was not holding itself out to the public beyond the County's corporate limits. *Id.*

## Discussion

### A. Summary of Commission Jurisdiction

The Public Utility Code and relevant precedent state that transportation services offered by municipal corporations are not subject to Commission jurisdiction if the

<sup>2</sup> The sole exception to this was taxi service. 74 Pa.C.S. § 1701.

service is provided within a municipal corporation's geographic limits. The Commonwealth Court has held that trips must only begin within the corporate limits of the municipal corporation to satisfy this geographic requirement. *County of Dauphin*, 634 A.2d at 283. Similarly, a state agency, authority, etc., such as the Pennsylvania Turnpike Commission or PennDOT may directly provide utility-type transportation services using its own employees and facilities without obtaining a certificate of public convenience. See generally, *Commonwealth of Pennsylvania v. Merritt-Chapman & Scott Corp.*, 248 A. 2d 194 (1968).

Municipal corporations sometimes contract with third parties to provide passenger transportation services. These include shared-ride and medical transportation services funded through programs administered by PennDOT and DPW. These services will be considered non-jurisdictional so long as the services originate within the corporate limits of the municipality, and are subject to the substantial or pervasive, ongoing control of the contracting municipal corporation. See generally, *Brocal Corporation v. Wheels Inc. et al*, Docket C-812799 (Order entered May 13, 1983); *Brocal Corp.* 61 Pa. P.U.C. 518 (1986).

However, the substantial ongoing control exemption does not apply to contracts between state instrumentalities and passenger transportation carriers. These services may only be provided if the carrier has a certificate of public convenience, or otherwise meets one of the other exceptions to Commission jurisdiction identified in the Public Utility Code. See generally, *Pennsylvania Public Utility Commission v. A.J. Myers & Sons, Inc.* A-00106393C892 (Order entered December 5, 1991).

The Commission, therefore, proposes the guidelines in Annex A to assist municipal corporations, common carriers, other state agencies and members of the public in determining when our jurisdiction is implicated. After a review of public comment filed in response to this Order, the Commission will adopt a final policy statement.

Accordingly, pursuant to its authority under Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission proposes to adopt the following policy statement; *Therefore*,

*It Is Ordered That:*

1. The proposed amendments to 52 Pa. Code Chapter 41, as set forth in Annex A hereto, are issued for comment.
2. The Secretary shall submit this Order and Annex A to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall certify this Order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
4. Interested persons may submit an original and 15 copies of written comments to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA, 17105-3265, within 60 days from the date this Order is published in the *Pennsylvania Bulletin*.
5. A copy of this Proposed Policy Statement and Annex A shall be served on the Office of Consumer Advocate,

and The Office of Small Business Advocate, and will be posted on the Commission's website at [www.puc.state.pa.us](http://www.puc.state.pa.us).

6. The contact person for this matter is Adam D. Young, (717) 772-8582, Law Bureau (legal). Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4579.

ROSEMARY CHIAVETTA,  
Secretary

**Fiscal Note:** 57-284. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

#### Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

#### CHAPTER 41. GENERAL ORDERS, POLICY STATEMENT AND GUIDELINES ON TRANSPORTATION UTILITIES

#### TRANSPORTATION

#### § 41.22. Motor carrier passenger transportation services by municipal corporations or State instrumentalities—statement of policy.

(a) *General rule.* As a general rule, passenger transportation services provided by State instrumentalities or municipal corporations within their corporate limits are not subject to Commission jurisdiction. Passenger transportation service is considered to be within the corporate limits if the trip begins within the corporate limits of the municipal corporation.

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Municipal corporation*—The term as defined in 66 Pa.C.S. § 102 (relating to definitions).

*State instrumentality*—

(i) The Commonwealth, its agencies, boards, offices, commissions, councils, departments, bureaus and authorities.

(ii) The term includes independent agencies of the Commonwealth and State affiliated entities such as the State System of Higher Education.

*Substantial ongoing control*—The act of setting or affirmatively approving the rates, routes, schedules, terms and conditions of service, and the monitoring and enforcement of a contractor's compliance with them.

(c) *Third party contracts.* Generally, passenger transportation services provided by third parties under contract to State instrumentalities, and their subcontractors, are subject to Commission jurisdiction unless the service is exempted by meeting the requirements in subsection (d).

(d) *Exemption.* Passenger transportation services provided by third parties under contract to municipal corporations, and their subcontractors, are not subject to the Commission's jurisdiction when the following conditions are present:

(1) The service is provided within the corporate limits, as described in subsection (a).

(2) The service is subject to substantial ongoing control by the municipal corporation as to the following:

(i) The rates charged to passengers for the service.

(ii) The routes for the service.

(iii) The schedule of the service.

(iv) The terms and conditions of the service, including who is eligible to be a passenger.

(e) *Evidence of substantial ongoing control.* Substantial ongoing control is evidenced as follows:

(1) The terms of a written contract between the third-party and the municipal corporation.

(2) A statute, regulation, ordinance or other provision of law that the third-party contractor must comply with in the provision of the transportation services.

(3) Written audits or inspection reports of the contractor's compliance with the contract and relevant provisions of law.

[Pa.B. Doc. No. 11-1181. Filed for public inspection July 15, 2011, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 28, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-8-2011	Customers Bancorp, Inc. Phoenixville Chester County  Application for approval to acquire 100% of Berkshire Bancorp, Inc., Wyomissing, and thereby indirectly acquire 100% of Berkshire Bank, Wyomissing.	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-8-2011	Customers Bank Phoenixville Chester County  Application for approval to merge New Century Interim Bank, Phoenixville, with and into Customers Bank, Phoenixville.  The merger will facilitate the proposed reorganization of Customers Bank, Phoenixville, into a bank holding company structure whereby Customers Bank will become the wholly-owned subsidiary of Customers Bancorp, Inc., Phoenixville, a new holding company in formation.	Filed

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-21-2011	Jersey Shore State Bank Jersey Shore Lycoming County	606 Continental Boulevard Danville Montour County	Filed

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1182. Filed for public inspection July 15, 2011, 9:00 a.m.]



### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 5, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>																						
6-29-2011	<p><i>From:</i> Univest National Bank and Trust Co. Souderton Montgomery County</p> <p><i>To:</i> Univest Bank and Trust Co. Souderton Montgomery County</p> <p>Conversion from a national banking association to a Pennsylvania state-chartered bank and trust company.</p> <p>Branch offices operated by Univest Bank and Trust Co.:</p> <table><tr><td>2645 Street Road Bensalem Bucks County</td><td>694 DeKalb Pike Blue Bell Montgomery County</td></tr><tr><td>Hunt Acres Center Holicong Bucks County</td><td>195 Butler Avenue Chalfont Bucks County</td></tr><tr><td>842 North Eastor Road Doylestown Bucks County</td><td>191 West State Street Doylestown Bucks County</td></tr><tr><td>321 Main Street East Greenville Montgomery County</td><td>40 East Street Road Feasterville Bucks County</td></tr><tr><td>500 Harleysville Pike Franconia Montgomery County</td><td>101 Walnut Street Green Lane Montgomery County</td></tr><tr><td>790 Route 113 Souderton Bucks County</td><td>1715 Sumneytown Pike Kulpsville Montgomery County</td></tr><tr><td>120 Forty Foot Road Hatfield Montgomery County</td><td>990 Bethlehem Pike Montgomeryville Montgomery County</td></tr><tr><td>1950 John Fries Highway Milford Square Bucks County</td><td>986 Bethlehem Pike Montgomeryville Montgomery County</td></tr><tr><td>3 Friends Lane Newtown Bucks County</td><td>545 Constitution Avenue Perkasie Bucks County</td></tr><tr><td>5829 Easton Road Plumsteadville Bucks County</td><td>1465-7 West Broad Street Quakertown Bucks County</td></tr><tr><td>328 North Lewis Road Royersford Montgomery County</td><td>415 Main Street Schwenksville Montgomery County</td></tr></table>	2645 Street Road Bensalem Bucks County	694 DeKalb Pike Blue Bell Montgomery County	Hunt Acres Center Holicong Bucks County	195 Butler Avenue Chalfont Bucks County	842 North Eastor Road Doylestown Bucks County	191 West State Street Doylestown Bucks County	321 Main Street East Greenville Montgomery County	40 East Street Road Feasterville Bucks County	500 Harleysville Pike Franconia Montgomery County	101 Walnut Street Green Lane Montgomery County	790 Route 113 Souderton Bucks County	1715 Sumneytown Pike Kulpsville Montgomery County	120 Forty Foot Road Hatfield Montgomery County	990 Bethlehem Pike Montgomeryville Montgomery County	1950 John Fries Highway Milford Square Bucks County	986 Bethlehem Pike Montgomeryville Montgomery County	3 Friends Lane Newtown Bucks County	545 Constitution Avenue Perkasie Bucks County	5829 Easton Road Plumsteadville Bucks County	1465-7 West Broad Street Quakertown Bucks County	328 North Lewis Road Royersford Montgomery County	415 Main Street Schwenksville Montgomery County	Effective
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5829 Easton Road Plumsteadville Bucks County	1465-7 West Broad Street Quakertown Bucks County																							
328 North Lewis Road Royersford Montgomery County	415 Main Street Schwenksville Montgomery County																							

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
	835 Lawn Avenue Sellersville Bucks County	103 Baringer Avenue Silverdale Bucks County
	4285 Township Line Road Schwenksville Montgomery County	6542D York Road New Hope Bucks County
	14 North Main Street Souderton Montgomery County	50 Penn Avenue Telford Montgomery County
	2685 County Line Road Telford Montgomery County	595 West Main Street Trappe Montgomery County
	2870 Shelly Road Harleysville Montgomery County	601 Luis Drive Warminster Bucks County

**Holding Company Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-8-2011	Customers Bancorp, Inc. Phoenixville Chester County	Filed
	Application for approval to acquire 100% of Berkshire Bancorp, Inc., Wyomissing, and thereby indirectly acquire 100% of Berskshire Bank, Wyomissing.	

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-8-2011	Customers Bank Phoenixville Chester County	Filed
	Approval to merge New Century Interim Bank, Phoenixville, with and into Customers Bank, Phoenixville. The merger will facilitate the proposed reorganization of Customers Bank into a bank holding company structure whereby Customers Bank will become the wholly-owned subsidiary of Customers Bancorp, Inc., a new holding company in formation	
6-8-2011	Customers Bank Phoenixville Chester County	Filed
	Application for approval to merge Berkshire Bank, Wyomissing, with and into Customers Bank, Phoenixville.	
6-27-2011	Luzerne Bank Luzerne Luzerne County	Effective
	Application for approval to purchase assets and assume liabilities of one branch of First Columbia Bank & Trust Co., Bloomsburg, located at: 10 Dessen Drive Hazle Township West Hazleton Luzerne County	

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-24-2011	First Columbia Bank & Trust Co. Bloomsburg Columbia County	10 Dessen Drive West Hazleton Luzerne County	Closed

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-30-2011	Belco Community Credit Union Harrisburg Dauphin County  Merger of LEBCO Educators Federal Credit Union, Lebanon, merged with and into Belco Community Credit Union, Harrisburg.	Effective

## Branch Applications

## De Novo Branches

7-5-2011	TruMarkFinancial Credit Union Trevose Bucks County	333 Centennial Road Warminster Bucks county	Approved
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The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1183. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2011

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of August, 2011, is 6%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and

which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.46 to which was added 2.50 percentage points for a total of 5.96 that by law is rounded off to the nearest quarter at 6%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1184. Filed for public inspection July 15, 2011, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## **I. NPDES Renewal Applications**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0022179 (Sew)	Mercersburg Sewer Authority 113 South Main Street Mercersburg, PA 17236	Franklin County / Mercersburg Borough	Johnston Run / 13-C	Y
PA0247898 (Sew)	David L. Fite Realty, LTD 103 Fite Way, Suite D Quarryville, PA 17566-0673	Lancaster County / East Drumore Township	South Fork Big Beaver Creek / 7-K	Y
PA0081752 (Sew)	Philhaven Hospital 283 South Butler Road Mt Gretna, PA 17604	Lebanon County West Cornwall Township	Bachman Run / 7-D	Y
PA0030171 (Sew)	Llewellyn's Manufactured Home Community, Inc. 4550 Bull Road Dover, PA 17315	York County Conewago Townshpi	UNT Little Conewago Creek / 7-F	Y
PA0083917 (IW)	Edge Rubber 811 Progress Road Chambersburg, PA 17201	Franklin County Chambersburg Borough	UNT Conococheague Creek / 13-C	Y



*Northcentral Regional Office: Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113182 (Sewage)	Nittany Grove Manufactured Home Community Wastewater Treatment Plant 113 Ramsey Way Boalsburg, PA 16827	Centre County Harris Township	UNT to Spring Creek (9-C)	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0103641 (Sewage)	Wilmington Township Sewer Authority Orchard Terrace STP 204 Orchard Terrace New Castle, PA 16105	Lawrence County Wilmington Township	Unnamed tributary to Little Neshannock Creek 20-A	Y
PA0034568 (Sewage)	Harbor Mobile Home Park 1650 Harlansburg Road New Castle, PA 16101	Lawrence County Union Township	Unnamed tributary to the Shenango River 20-A	Y
PA0093360 (Sewage)	Robert C. Sechan d/b/a Lake Arthur Estates 2925 New Castle Road Portersville, PA 16051	Butler County Muddycreek Township	Dry/intermittent tributary to Muddy Creek 20-C	Y
PA0035581 (Sewage)	PA DOT Design Bureau McKean County Maintenance Building P. O. Box 3060 Harrisburg, PA 171015	McKean County Lafayette Township	Unnamed tributary of Threemile Run 16-B	Y

## **II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**PA0026247**, Sewage, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915. This facility is located in Hatfield Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Hatfield Township STP.

The receiving stream, West Branch Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for: WWF, MF. The nearest downstream public water supply intake for AQUA PA is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on an average flow of 6.43 MGD and a maximum monthly flow of 8.37 MGD.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(05-01 to 10-31)	10	15		20
(11-01 to 04-30)	20	30		40
Suspended Solids	30	45		60
Ammonia (as N)				
(05-01 to 10-31)	2.0			4.0
(11-01 to 04-30)	6.0			12.0
NO <sub>2</sub> +NO <sub>3</sub> as N				
(07-01 to 10-31)	9.0			18.0
(11-01 to 06-30)	Monitor/Report			
Total Kjeldahl Nitrogen	Monitor/Report			
Phosphorous (as P)				
(04-01 to 10-31)	0.8			1.6
(11-01 to 03-31)	1.0			2.0
Fecal Coliform	200 #/100 ml as a geometric mean, nor greater than 1,000 #/100 ml			

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	Minimum of 6.0 mg/l at all times			
pH	Within limits of 6.0—9.0 Standard Units at all times			
Hardness as CaCO <sub>3</sub>	Monitor/Report			
Copper				
first 36 months	0.030		0.045	0.060
after 36 months	0.015		0.023	0.030
Iron, Total	Monitor/Report			
Iron, Dissolved	Monitor/Report			
Aluminum, Total	Monitor/Report			
Toxicity, chronic	Monitor/Report			
Total Dissolved Solids	1,000		1.1 TU <sub>c</sub>	1,500

In addition to the effluent limits, the permit contains the following major special conditions:

1. Designation of Responsible Operator
2. Remedial Measures if Public Nuisance
3. No Stormwater to Sewers
4. Necessary Property Rights
5. Small Stream Discharge
6. Change in Ownership
7. Proper Sludge Disposal
8. TMDL/WLA Analysis
9. WET Testing for Renewal
10. WET Testing Conditions
11. Operator Training
12. Stormwater Monitoring
13. Laboratory Certification

**PA0057908**, Sewage, SIC Code 7997, **Jericho National Golf Course**, 250 Brownsburg Road, New Hope, PA 18938. Facility Name: Jericho National Golf Course. This existing facility is located in Upper Makefield Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Jericho Creek, is located in State Water Plan watershed 2E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0042 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD <sub>5</sub>						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- 1. Notification of the designation of the responsible operator.
- 2. Abandon STP when Municipal Sewers Available
- 3. Remedial measures if Unsatisfactory Effluent

- 4. No Stormwater
- 5. Acquire Necessary Property Rights
- 6. Small Stream Discharge
- 7. Change in Ownership
- 8. Chlorine Minimization
- 9. Proper Sludge Disposal
- 10. No Discharge
- 11. 2/Month Sampling
- 12. SPW Discharge

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**PA0065323**, Sewage, SIC Code 4952, **Jacob A. Schray**, 322 East Laurel Street, Bethlehem, PA 18018-2939. Facility Name: Jacob A. Schray Residence. This proposed facility is located at 109 East Mountain Road, Wind Gap, PA 18091-9729, in Bushkill Township, **Northampton County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a proposed single residence sewage treatment plant.

The receiving stream, Unnamed Tributary to Bushkill Creek, is located in State Water Plan watershed 1-F and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		

In addition, the permit contains the following major special conditions:

- No effluent limitations for Total Residual Chlorine (TRC) due to use of ultraviolet disinfection
- Annual Maintenance Report (AMR) submission requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

**PAS602206-A1**, Stormwater, SIC Code 5015, 5093, **Sibum's Auto Parts, Inc.**, 932 Analomink Road, East Stroudsburg, PA 18301. Facility Name: Sibum's Auto Parts. This existing facility is located in Stroud Township, **Monroe County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated Stormwater.

The receiving stream, an Unnamed Tributary to Brodhead Creek, is located in State Water Plan watershed 01E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001-003 are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Requirements Applicable to Stormwater Discharges
- Stormwater Best Management Practices

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

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*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0247227**, Sewage, SIC Code 4952, **Dublin Township Supervisors**, 1366 Cole Road, Hustontown, PA 17229. Facility Name: Dublin Township Burnt Cabins STP. This existing facility is located in Dublin Township, **Fulton County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), South Branch Little Aughwick Creek, is located in State Water Plan watershed 12-C and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.018 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	1.5	2.2	XXX	10	15	20
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1.5	2.2	XXX	10	15	20
		Wkly Avg				
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
May 1 - Oct 31	0.2	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	0.7	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	0.2	XXX	XXX	1.0	XXX	2.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0009458**, Industrial Waste, SIC Code 3231, 327215, **Pittsburgh Glass Works LLC**, P O Box 307, Tipton, PA 16684. Facility Name: Pittsburgh Glass Works Tipton Auto Glass Manufacturing. This existing facility is located in Antis Township, **Blair County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Little Juniata River, is located in State Water Plan watershed 11-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.266 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	31	50	XXX	XXX	XXX	35
Oil and Grease	16	16	XXX	XXX	XXX	18



The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0261696**, SIC Code 6515, **Jean V. Davis & James Skiles**, 1055 Celeste Drive, Shippensburg, PA 17257. Facility Name: Davis Res. This proposed facility is located in Licking Creek Township, **Fulton County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream(s), Sindeldecker Branch, is located in State Water Plan watershed 13-B and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

In addition, the permit contains the following major special conditions:

- Annual monitoring of drinking water supply well that serves a sewing club for Total Coliform.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**PA0083984**, Sewage, SIC Code 5812, **Stepp Thomas O**, 133 Old Trail Road, Duncannon, PA 17020-7120. Facility Name: Ranch House Restaurant. This existing facility is located in Watts Township, **Perry County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 6-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0045 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.6	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10,000

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

**Application No. PA0088064, Concentrated Animal Feeding Operation (CAFO),** Country View Family Farms, LLC, 1301 Fulling Mill Road, Middletown, Pennsylvania 17057.

Country View Family Farms, LLC has submitted an application for an Individual NPDES permit for an existing CAFO known as Perry Meadows Farm, located at 2713 Fowler Hollow Road, Blain, Pennsylvania 17006 in Jackson Township, **Perry County**.

The CAFO is situated near an unnamed tributary to Shermans Creek in Watershed 7-A, which is classified for High Quality Cold Water Fishery. The CAFO is designed to maintain an animal population of approximately 1,342.25 animal equivalent units (AEU) consisting of 2,620 sows, 350 sows with litters, 870 gilts, and 8 boars. Manure is collected in shallow underneath pull plug pits and stored in a two-stage HDPE lined earthen impoundment. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717.705.4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0038385, Sewage, SIC Code 4225, DLA Installation Support at Susquehanna,** 2001 Mission Drive Suite 1, New Cumberland, PA 17070-5002. Facility Name: Defense Distribution Center, Susquehanna. This existing facility is located in Fairview Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-E and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD (interim) and 0.32 MGD (final).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1.5	XXX	2.5
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	9,132			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	1,218			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2011.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

**Application No. PA0088234, Concentrated Animal Feeding Operation (CAFO), Franklin Family Farms, Inc., 14627 Lurgan Road, Orrstown, Pennsylvania 17244.**

Franklin Family Farms, Inc. has submitted an application for an Individual NPDES permit for an existing CAFO known as Acorn Family Farms, located at 14627 Lurgan Road, Orrstown, Pennsylvania 17244 in Lurgan Township, **Franklin County**.

The CAFO is situated near an unnamed tributary of Paxton Run in Watershed 7-B, which is classified for warm water fishery. The CAFO is designed to maintain an animal population of approximately 1,340 animal equivalent units (AEUs) consisting of 2,840 sows, 1,070 finishing pigs, 464 nursery pigs, and 26 boars. Manure is collected in seven shallow pull plug pits and stored in a 2.9 MG two-stage HPDE-lined impoundment. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717.705.4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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#### **Application for NPDES Permit to Discharge to State Waters**

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*Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0228818, Industrial Waste, SIC Code 2621, First Quality Tissue LLC, 904 Woods Avenue, Lock Haven, PA 17745-3348. Facility Name: First Quality Tissue Lock Haven Plant. This existing facility is located in Castanea Township, Clinton County.**

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream, Bald Eagle Creek, is located in State Water Plan watershed 9-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 003 are based on a design flow of 0.56 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Min	XXX	XXX	9.0
BOD <sub>5</sub>	2470	5090	65	130	XXX	160
Total Suspended Solids	2030	4830	53	Daily Max 120	XXX	130
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Aluminum (Interim)	Report	Report	Report	Report Daily Max	XXX	XXX
Total Aluminum (Final)	35.02	70.0	0.92	1.84	XXX	2.30
Total Iron (Interim)	Report	Report	Report	Daily Max Report	XXX	XXX
Total Iron (Final)	20.34	40.69	0.53	Daily Max 1.07	XXX	1.33
Total Manganese (Interim)	Report	Report	Report	Daily Max Report	XXX	XXX
Total Manganese (Final)	5.13	10.27	0.13	Daily Max 0.27	XXX	0.33
				Daily Max		

In addition, the permit contains the following major special conditions:

- Stormwater No Exposure Certification
- Prohibition of Chlorophenolic Biocides

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**WQM Permit No. 4811403**, Sewage, SIC Code 4952, **Jacob A. Schray**, 322 East Laurel Street, Bethlehem, PA 18018-2939.

This proposed facility is located in Bushkill Township, **Northampton County**.

Description of Proposed Action/Activity: Construction/operation of a new single residence sewage treatment plant to replace a malfunctioning on-lot sewage system, located at 189 East Mountain Road, Wind Gap, PA 18091-9729.

**WQM Permit No. 4811402**, Sewerage, **Radcliff, Roger and Denise**, 4279 Chestnut Drive, Walnutport, PA 18088

This proposed facility is located in Lehigh Twp., **Northampton County**, PA.

Description of Proposed Action/Activity: This project involves installation of a single residence sewage treatment system to replace a malfunctioning on lot sewage system.



*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 2179410 11-1**, Sewerage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1185.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Upgrade to the wastewater treatment plant to comply with the Chesapeake Bay Tributary Strategy effluent limitations.

**WQM Permit No. 2111201**, CAFO, **Lester Z. Martin**, 415 East Old York Road, Carlisle, PA 17015.

This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a new double lined 1.49 million gallon manure storage lagoon for a proposed duck barn.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 6311401**, Sewerage, **Consol PA Coal Co., Inc.**, PO Box J, 1525 Pleasant Grove Rd., Claysville, PA 15323

This proposed facility is located in East Finley Township, **Washington County**

Description of Proposed Action/Activity: Permit application for the construction and operation of a sewage treatment facility.

**WQM Permit No. WQG016187**, Sewerage, **Historical Society of Western PA**, 401 Meadowcroft Road, Avella, PA 15312-2759

This proposed facility is located in Jefferson Township, **Washington County**

Description of Proposed Action/Activity: Permit application for the construction and operation of a small flow sewage treatment facility.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 3704402**, Sewerage, **Amendment No. 1, Wayne Township Municipal Authority**, 1418 Wampum Road, Ellwood City, PA 16117

This proposed facility is located in Ellwood City Borough, **Lawrence County**.

Description of Proposed Action/Activity: Amendment to the WQM Permit for pump sizing and the emergency generator.

**WQM Permit No. 3397404**, Sewerage, **Amendment No. 1, Borough of Corsica**, P. O. Box 176, Corsica, Pa 15829-0176

This existing facility is located in Corsica Borough, **Jefferson County**.

Description of Proposed Action/Activity: This is an amendment to the WQM permit proposing the addition of chlorine disinfection to the existing sewage treatment plant. The project will include the addition of chlorine liquid solution to the flow metering tank/polishing clarifier and the addition of sodium bisulfite erosion type pellets to the ultraviolet disinfection/post aeration tank.

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#### **IV. NPDES Applications for Stormwater Discharges from MS4**

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#### **V. Applications for NPDES Waiver Stormwater Discharges from MS4**

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#### **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAS105056R(9)	Sanofi Pasteur Inc. Discovery Drive Route 611 Swiftwater, PA 18370	Monroe County	Pocono Twp.	Swiftwater Creek (HQ-CWF, MF)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI030608016(2)	UGI Development Company	Berks	Ontelaunee Township	Willow Creek CWF-HQ

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041811002	Donald Dunkle Dunkle Farm 95 Cedar Heights Mill Hall, PA 17751	Clinton	Lamar Township	Fishing Creek HQ

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Erie County Conservation District—1927 Wagner Road, Erie PA 16509*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0625 11 002	Jason Wallace Wallace Family Enterprises LLC 5401 Glen Meadows Drive Fairview PA 16415	Erie	McKean Township	Bear Run CWF; MF; Wild Trout

## VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## CAFO Notices of Intent Received

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**PAG124804**, CAFO [Sic 213], **John & Trisha Stone**, 12547 Stage Road, McClure, PA 17841.

This proposed facility is located in Township of Spring, **Snyder County**.

Description of Size and Scope of Proposed Operation/Activity: This operation consists of two swine finishing barns that house a combined total of 4,460 finishing hogs. Manure from the finishing pigs is collected in deep pits located underneath the barns slatted floors. There are 53 total acres associated with this operation, with 33.7 acres of cropland. The main crops grown include corn and soybeans. There are 593 AEUs and 17.6 AEUs/Acre. Approximately 1,672,000 gallons of liquid swine manure are generated annually.

The receiving stream, Middle Creek, is in watershed Penns Creek #6A and classified for: TSF—Trout Stocking.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

## NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Kulp Family Dairy LLC 1691 Millerstown Rd Martinsburg, PA 16662	Blair	2,833.1	3,651.25	Dairy	Clover Creek—HQ Yellow Creek—HQ Middle Run—HQ	Renewal
Kenton Sweigart 620 Greider Rd Mount Joy, PA 17552	Lancaster	437.74	1040.22	Dairy/ Swine/ Pullets	NA	Renewal
Ridge Valley Farms II 206 Lowell Road McClure, PA 17841	Snyder	29	452.28	Swine	N/A	New

PUBLIC WATER SUPPLY (PWS)  
PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER  
MINOR AMENDMENTApplications Received Under the Pennsylvania Safe  
Drinking Water Act

*Northeast Region: Water Supply Management Program  
Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

## Application No. 5411504MA, Minor Amendment.

Applicant **Aqua Pennsylvania Inc.**  
1 Aqua Way  
White Haven, Pa 18661

[Township or Borough]	East Union Twp, <b>Schuylkill County</b>
Responsible Official	Patrick Burke, Manager NE
Type of Facility	Public Water System
Consulting Engineer	CET Engineering Services 1240 Mountain Road Harrisburg, Pa
Application Received Date	6/20/2011
Description of Action	The construction of a building for the existing greensand filters. The addition of a contact pipeline and the demonstration of the log 4 inactivation of viruses to meet the groundwater rule.

## WATER ALLOCATIONS

Applications received under the Act of June 24,  
1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641)  
relating to the Acquisition of Rights to Divert  
Waters of the Commonwealth

**WA 06-1019, Water Allocations. Bern Township  
Municipal Authority (BTMA), Berks County.** The  
applicant is proposing to limit the use of their existing  
water supply interconnection for water purchased from  
Reading Area Water Authority (RAWA). BTMA will limit  
their non-emergency use of their interconnection with  
RAWA to 517,000 gpd based on a 30 day average.  
Emergency use of the Interconnection will remain at  
1,017,000 gpd based on a 30 day average. This proposed  
permit modification is in response to water allocation  
permit WA 06-1019A, noticed in the *PA Bulletin* on July  
2, 2011. Date Application Received: March 25, 2011.  
Anyone wishing to comment on this proposed permit  
modification may do so in writing to the above address  
within 30 days of this posting.

LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION  
UNDER ACT 2, 1995  
PREAMBLE 1Acknowledgment of Notices of Intent to Remediate  
Submitted under the Land Recycling and Envi-  
ronmental Remediation Standards Act (35 P. S.  
§§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environ-  
mental Remediation Standards Act (act) (35 P. S.

§§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Sherman Hills Apartments**, 300 Parkview Circle, Wilkes-Barre City, **Luzerne County**. David Fife, Quad Three Group, Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 has submitted a Notice of Intent to Remediate (on behalf of his client, Sherman Hills Apartments, 300 Parkview Circle, Wilkes-Barre, PA 18702), concerning the remediation of soil found to have been impacted by lead and inorganics as a result of historical operations of a former incinerator at the site. The applicant proposes to remediate the site to meet the Site-Specific Standard for soil. A summary of the Notice of

Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**PA Army National Guard Chambersburg Armory**, 1010 Lincoln Highway, (Route 30 West), Chambersburg, PA 17201, Hamilton Township, **Franklin County**. PA Department of Military & Veterans Affairs, Fort Liantown Gap, Bldg. 0-11, Annville, PA 17003, submitted a Notice of Intent to Remediate site groundwater contaminated with heating oil. The site will be remediated to the Residential Statewide Health Standard, and future use will remain the same.

**Hershey Trust Farm 15 Landfill**, Hershey Road, Hershey, PA 17033 South Hanover Township, **Dauphin County**. URS Corporation, 4507 North Front Street, Suite 200, Harrisburg, PA 17110, on behalf of Hershey Trust Company, 100 Mansion Road East, Hershey, PA 17033, submitted a Notice of Intent to Remediate site soils contaminated with Arsenic, VOCs, SVOC, and Pesticides. The site will be remediated to the Residential Statewide Health and Site Specific Standards, and future use is recreational.

**Altoona North Terminal/Mobil Altoona**, 664 Burns Avenue, Altoona, PA 16601, Allegheny Township, **Blair County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Altoona Terminals Corporation, PO Box 2621, Harrisburg, PA 17105, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, PAHs, and lead. The site will be remediated to a combination of the Nonresidential Statewide Health and Site-Specific standards. The site will remain a petroleum bulk distribution terminal.

**Northcrest Acres Mobile Home Park (Rhoades Residence)**, 130 Northcrest Acres, Lebanon, PA 17046, North Lebanon Township, **Lebanon County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of Lebanon Valley Homes, 1341 East Main Street, Palmyra, PA 17078, submitted a Notice of Intent to Remediate site soils contaminated with heating oil. The site will be remediated to the Residential Statewide Health Standard. Site use will remain residential.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**C.A. Shipton, Inc.**, Borough of Mifflinburg, **Union County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of C.A. Shipton, Inc., 36 East Chestnut St., Mifflinburg, PA 17844 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with home heating oil. The applicant proposes to remediate the site to meet the Site Specific Standard. The future use of the site will be commercial.

#### RESIDUAL WASTE GENERAL PERMITS

**Application Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**



*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR070. Wilkes-Barre Materials, LLC**, 500 Chase Road, Shavertown, PA 18708: Site: 130 Ridgewood Road, Plains, PA 18702. This company was formerly American Asphalt Paving Company. This application for renewal is for beneficial use of baghouse fines from air pollution devices generated at hot-mixed asphalt plants as a construction material or levee core impermeable fill and pipe bedding. The application was determined to be administratively complete by Central Office on June 29, 2011.

Comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Central Office, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation

to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401–7671q) and regulations adopted under the Federal Clean Air Act.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**32-00411: Mountain Gathering LLC** (810 Houston Street, Fort Worth, TX 76102) for installation of a compressor engine for natural gas at Homer City PP Station in Center Township, **Indiana County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**23-0003U: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061-3812) for installation of two (2) new boilers at their Trainer facility in Trainer Borough, **Delaware County**. The boilers will be subject to federal NSPS subparts Db and Ja, and MACT Standards of Subpart DDDDD. This facility is a Title V facility. This installation and modification will result in minor emission increases. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**AMS 11070: SPD Electrical System** (13500 Roosevelt Boulevard, Philadelphia, PA 19116) for installing one (1) 810,000 BTU/hr, four (4) 648,000 BTU/hr, one (1) 425,250 BTU/hr, one (1) 419,650 BTU/hr, seven (7) 292,000 BTU/hr, and one (1) 291,000 BTU/hr natural gas fired Roof Mounted HVAC units in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 2.8 tons of Nitrogen Oxides (NOx) per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 10294: Point Breeze** (6310 West Passyunk Avenue, Philadelphia, PA 19153) for installation and temporary operation of four (4) storage tanks in the City of Philadelphia, **Philadelphia County**. Volatile Organic Compounds (VOC) emissions from the facility are limited to less than 25 tons per rolling 12 month period. Hazardous Air Pollutants (HAPs) from the facility are limited to 10 tons per rolling 12-month period of any individual HAP emissions and less than 25 tons per rolling 12-month period for any combination of HAP emissions. After the installation, there will be a potential emission increase of 6.7 tpy of VOC. The Plan Approval will contain operating, monitoring, testing, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**48-00027: IESI Bethlehem Landfill** (2335 Applebuter Road, Bethlehem, PA 18015-6004) for operation of a Landfill in Lower Saucon Township, **Northampton County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**V10-026: University of Pennsylvania** (3451 Walnut Street, Philadelphia, PA 19104) for the operation of a university in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources nine <10 MMBTU/hr heaters and furnaces, 56 emergency generators, one peak shaving generator, and two fire pumps.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

#### Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**15-00021: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038) for renewal of a State Only Operating Permit in East Whiteland Township, **Chester County**. Glasgow, Inc. operates a stone crushing and asphalt plant at its Catanach Quarry. The primary pollutant of concern is particulate matter emissions from the crushing plant and nitrogen oxides and volatile organic compounds from the asphalt plant. The facility is categorized as a synthetic minor facility. Source ID 501 (Portable Stone Crushing Plant) has been removed from the facility and will be removed from the permit under this renewal. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-00065: SVC MFG. Inc.—Division of Pepsi Co., Inc.** (750 Oak Hill Road, Mountain Top, PA 18707-2112) to operate and manufacture their soft drink facility in Wright Township, **Luzerne County**. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**38-03055: Always Bagels, Inc.** (10 Keyland CT, Bohemia, NY 11716-2620) for operation of a bagel bakery in Lebanon Rails Business Park in North Lebanon Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has the potential to emit about 45.66 tons per year of VOCs, mainly from ethanol. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Thomas J. Hanlon, P.E., Chief, East Permitting Section Chief may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**17-00043: Kitko Wood Products, Inc.** (PO Box 3, Glen Hope, PA 16645-0003) for issuance of a state only operating permit for their facility in Glen Hope Borough, **Clearfield County**. The facility's sources include a 20 million Btu per hour wood-fired boiler, 15 wood drying kilns and a wood working operation. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**59-00020: Carleton Funeral Home, Inc.** (11470 Route 6, Wellsboro, PA 16901) for issuance of a state only operating permit for their facility in Charleston Township, **Tioga County**. The facility's source is a crematory incinerator for human remains. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**56-00199: Shade City School District** (PO Box 7, 203 McGregor Ave., Cairnbrook, PA 15924) a Synthetic Minor Operating Permit renewal for the Shad-Central City High School located in Shade Township, **Somerset County**. Equipment at this facility includes one 6.4 mmbtu/hr tri-fuel boiler, one 8.4 mmbtu/hr No. 2 fuel oil fired boiler, and two small emergency electric generators. Potential emissions from the facility are based on a limit of burning 1,900 tons of coal per consecutive 12 month period and are estimated to be 9.0 tons NOx, 1.2 tons VOCs, 10.5 tons CO, 4.3 tons particulate matter and 70.7 tons SOx. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of Pa. Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**56-00241: Rockwood Area School District** (439 Somerset Ave., Rockwood, PA, 15557-1030) for renewal of Synthetic Minor Operating Permit for their Rockwood Junior/Senior High School located in Rockwood Boro, **Somerset County**. Equipment at this facility includes

two 4.3 mmbtu/hr tri-fuel boilers and some small emergency electric generators, hot water boilers, and radiant heaters. Potential emissions from the facility are based on a limit of burning 2,070 tons of coal per consecutive 12 month period and are estimated to be 9.8 tons NOx, 1.3 tons VOCs, 11.4 tons CO, 4.7 tons particulate matter and 77.0 tons SOx. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of Pa. Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**S05-016: University of the Sciences in Philadelphia** (600 South 43rd Street, Philadelphia, PA 19104) for operation of a university in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers each 20 MMBTU/hr burning #2 or natural gas, one (1) boiler 5 MMBTU/hr burning No. 2 or natural gas, thirty-eight (38) combustion units each less 5 MMBTU/hr burning natural gas, one (1) boiler 0.80 MMBTU/hr burning No.2 fuel oil, three (3) emergency generators, and one (1) particulate source with mills, tablet presses, and extruders

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**58-399-016: Laser Northeast Gathering Co. LLC** (333 Clay Street, STE 4500, Houston, TX 77002-4102) for construction of a natural gas compressor station at their Snake Creek FRP Site in Liberty Township, **Susquehanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval



to Laser Northeast Gathering Company LLC (333 Clay Street, STE 4500, Houston, TX 77002-4102) for their facility to be located in Liberty Twp., Susquehanna County. This Plan Approval No. 58-399-016 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-399-016 is for the construction of a natural gas compressor station at the Snake Creek FRP Site. The station will consist of two CAT G3606LE engines and two dehydrators with reboilers. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NOx emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SOx, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to MACT 40 CFR Part 63 Subparts ZZZZ and HH, NSPS Subpart JJJJ and 25 PA Code 127.12 (a) (5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions.

Emissions from the engines will meet MACT Subpart ZZZZ, MACT Subpart HH, BAT & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments. Identification of the proposed permit No.: 58-399-016.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

**58-399-017 Laser Northeast Gathering Company LLC** (333 Clay Street, STE 4500, Houston, TX 77002-

4102) for construction of a natural gas compressor station at their Lane Road FRP Site in Middletown Township, **Susquehanna County.**

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a) the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Laser Northeast Gathering Company LLC (333 Clay Street, STE 4500, Houston, TX 77002-4102) for their facility to be located in Middletown Twp., Susquehanna County. This Plan Approval No. 58-399-017 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-399-017 is for the construction of a natural gas compressor station at the Lane Road FRP Site. The station will consist of two CAT G3606LE engines and two dehydrators with reboilers. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NOx emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SOx, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to MACT 40 CFR Part 63 Subparts ZZZZ and HH, NSPS Subpart JJJJ and 25 PA Code 127.12 (a) (5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20 % at any time. The company shall be subject to and comply with 25 PA Code 123.31 for malodorous emissions.

Emissions from the engines will meet MACT Subpart ZZZZ, MACT Subpart HH, BAT & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments. Identification of the proposed permit No.: 58-399-017.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program,



2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

**58-399-018: Laser Northeast Gathering Co., LLC** (333 Clay Street, STE 4500, Houston, TX 77002-4102) for construction of a natural gas compressor station at their Kane Road FRP Site in Forest Lake Township, **Susquehanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a) the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Laser Northeast Gathering Company LLC (333 Clay Street, STE 4500, Houston, TX 77002-4102) for their facility to be located in Forest Lake Twp., Susquehanna County. This Plan Approval No. 58-399-018 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-399-018 is for the construction of a natural gas compressor station at the Kane Road FRP Site. The station will consist of two CAT G3606LE engines and two dehydrators with reboilers. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NOx emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SOx, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to MACT 40 CFR Part 63 Subparts ZZZZ and HH, NSPS Subpart JJJJ and 25 PA Code 127.12 (a) (5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20 % at any time. The company shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions.

Emissions from the engines will meet MACT Subpart ZZZZ, MACT Subpart HH, BAT & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 58-399-018.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting

a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

**58-399-019 Laser Northeast Gathering Company LLC** (333 Clay Street, STE 4500, Houston, TX 77002-4102) for construction of a natural gas compressor station at the Lawrence NE FRP Site Liberty Township, **Susquehanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a) the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Laser Northeast Gathering Company LLC (333 Clay Street, STE 4500, Houston, TX 77002-4102) for their facility to be located in Liberty Twp., Susquehanna County. This Plan Approval No. 58-399-019 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-399-019 is for the construction of a natural gas compressor station at the Lawrence NE FRP Site. The station will consist of two CAT G3606LE engines and two dehydrators with reboilers. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NOx emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SOx, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to MACT 40 CFR Part 63 Subparts ZZZZ and HH, NSPS Subpart JJJJ and 25 PA Code 127.12 (a) (5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions.

Emissions from the engines will meet MACT Subpart ZZZZ, MACT Subpart HH, BAT & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 58-399-019.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**11040701 and NPDES No. PA0235717, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Refuse Area No. 1 in Portage Township, **Cambria County** and related NPDES permit to expand the coal refuse processing operation. Five new NPDES outfalls will be added. Coal Refuse Disposal Support Acres Proposed 96.4, Coal Refuse Disposal Acres Proposed 59.5. Receiving stream: Unnamed Tributary to Spring Run, classified for the following use(s): CWF. Application received: December 16, 2010.

**17851501 and NPDES No. PA0215694, RES Coal, LLC**, (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), to revise the permit for Clearfield Siding in Boggs Township, **Clearfield County** and related NPDES permit to add a coal preparation plant with support facilities and relocate NPDES Outfall 001 and add NPDES Outfall 005. Surface Acres Proposed 35.3. Receiving stream: Clearfield Creek, classified for the following use(s): WWF. Application received: January 26, 2011.

**56841605 and NPDES No. PA0214761, Croner, Inc.**, (1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541), to renew the permit for the Goodtown Preparation Plant in Brothersvalley Township, **Somerset County** and related NPDES permit. No additional discharges. Application received: February 8, 2011.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**11110201 and NPDES No. PA0263265, Fuel Recovery, Inc.**, 254 Interpower Drive, Colver, PA 15927, commencement, operation and restoration of a bituminous surface coal refuse reprocessing mine in Portage Township, **Cambria County**, affecting 71.4 acres. Receiving stream(s): unnamed tributary to Bens Creek; Spring Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 17, 2011.

**56110106 and NPDES No. PA0263273, Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface and auger mine in Lincoln Township, **Somerset County**, affecting 92.4 acres. Receiving stream(s): unnamed tributary to Quemahoning Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 21, 2011.

**56060107, Coal Loaders, Inc.**, 210 E. Main Street, Ligonier, PA 15658, revision of an existing bituminous surface and auger mine to add 19.5 acres to the permit area in Quemahoning Township, **Somerset County**, affecting 26.4 acres. Receiving stream(s): Higgins Run; a tributary to Quemahoning Creek classified for the following use(s): high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority & Johnstown Water Authority. Application received: June 14, 2011.

**05753004 and NPDES No. PA0124869, Heritage Coal & Natural Resources, LLC**, 208 West Mud Pike Road, Rockwood, PA 15557, transfer of an existing bituminous surface mine from Forcey Coal, Inc., P. O. Box 225,



Madera, PA 16661, located in Broadtop and Carbon Townships, **Bedford** and **Huntingdon Counties**, affecting 222.1 acres. Receiving streams: UTS to/and Coal Bank Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2011.

**32050106 and NPDES No. PA0249823. Beth Contracting, Inc.**, 815 Rock Run Road, Glen Campbell, PA 15742, permit renewal for the continued operation and restoration of a bituminous surface mine in Glen Campbell Borough, **Indiana County**, affecting 56.1 acres. Receiving stream(s): Brady Run and unnamed tributaries to Cush Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 21, 2011.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**65010102 and NPDES Permit No. PA0202967. Coal Loaders, Inc.** (P. O. Box 556, Ligonier, PA 15658). Renewal application for operation and reclamation of an existing bituminous surface mine, located in Fairfield Township, **Westmoreland County**, affecting 146.8 acres. Receiving streams: unnamed tributaries to Hypocrite Creek and Hannas Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: June 22, 2011.

**65060101 and NPDES Permit No. PA0250856. Coal Loaders, Inc.** (P. O. Box 556, Ligonier, PA 15658). Renewal application for operation and reclamation of an existing bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 23.2 acres. Receiving streams: unnamed tributary A to Youghiogheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: June 24, 2011.

**26743202 and NPDES Permit No. PA0069736. Bute Coal Recovery, LLC** (P. O. Box 275, West Leisenring, PA 15489). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Dunbar and North Union Townships, **Fayette County**, affecting 150.1 acres. Receiving streams: Rankin Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: North Fayette Municipal Authority. Renewal application received: June 27, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33100106 and NPDES Permit No. PA0259004. Strishock, LLC** (220 Hillcrest Drive, DuBois, PA 15801) Revision to an in-process bituminous strip mine to add 5.0 acres for haul road use in Washington Township, **Jefferson County**. Total affected acres will be 257.5 acres. Receiving streams: Unnamed tributaries to Horm Run and unnamed tributaries to Five Mile Run, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 29, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**54070202C3. Coaldale Energy, LLC**, (P. O. Box 502, Tamaqua, PA 18252), correction to an existing anthracite coal refuse reprocessing operation to include a coal preparation plant in Tamaqua and Coaldale Boroughs, **Schuylkill County** affecting 195.0 acres, receiving stream: Panther Creek, classified for the following use: cold water fishes. Application received: June 13, 2011.

*Noncoal Applications Received*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**42082805 and NPDES Permit No. PA0259136. HRI, Inc.** (1750 West College Avenue, State College, PA 16801) Transfer of an existing small industrial mineral mine from Edward S. Kojancic in Lafayette Township, **McKean County** affecting 5.0 acres. Receiving streams: Camp Run, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 28, 2011.

**43110301. Three Rivers Aggregates, LLC** (225 North Shore Drive, Pittsburgh, PA 15212) Commencement, operation and restoration of a large industrial mineral mine in Jefferson Township, **Mercer County** affecting 90.0 acres. Receiving streams: Unnamed tributary to Daily Run, classified for the following: WWF, and unnamed tributary to Neshannock Creek, classified for the following: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 30, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58110303. Rock Ridge Stone, Inc.**, (631 SR 1039, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 102.87 acres, receiving stream: Middle Branch Wyalusing Creek, classified for the following use: cold water fishes. Application received: June 8, 2011.

#### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376). The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0mg/l	6.0mg/l	7.0mg/l
Manganese (Total)	2.0mg/l	4.0mg/l	5.0mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapters 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.



*Coal NPDES Draft Permits*

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

**NPDES No. PA0215520 (Mining Permit No. 63723707), Maple Creek Mining, Inc.**, (683 State Route 7 North, PO Box 278, Gallipolis, OH 45631). A renewal and revision to the NPDES and mining activity permit for the Ginger Hill Refuse Area II in Nottingham and Carroll

Township, **Washington County**. Surface Acres Affected 254.0. Receiving streams: Unnamed Tributary of Pigeon Creek and Dry Run, both classified for the following use(s): WWF. Monongahela River TMDL. Application received March 10, 2009.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The proposed average daily discharge rate for Outfall 003 is 0.0576 MGD

Outfall 003 discharges to: Unnamed Tributary of Pigeon Creek

The proposed effluent limits for Outfall 003 Lat: 40° 11' 06" Long: 79° 58' 44" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		Monitor & Report		
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor and Report		
Osmotic Pressure (mOs/kg)		556	868	
Total Dissolved Solids (mg/l)		Monitor & Report		
Sulfates (mg/l)			250	
Chlorides (mg/l)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 004 is 1.3 MGD

Outfall 004 discharges to: Unnamed Tributary of Pigeon Creek

The proposed effluent limits for Outfall 004 Lat: 40° 11' 17" Long: 79° 58' 36" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.53	2.38	
Manganese (mg/l)		1.02	1.59	
Aluminum (mg/l)		0.49	0.76	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Osmotic Pressure (mOs/kg)		51	79	
Total Dissolved Solids (mg/l)		Monitor & Report		
Sulfates (mg/l)			250	
Chlorides (mg/l)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 012 is 0.985 MGD

Outfall 012 discharges to: Unnamed Tributary of Pigeon Creek

The proposed effluent limits for Outfall 012 Lat: 40° 11' 15" Long: 79° 58' 35" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.55	2.42	
Manganese (mg/l)		1.03	1.61	
Aluminum (mg/l)		0.50	0.77	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor and Report		
Osmotic Pressure (mOs/kg)		52	81	
Total Dissolved Solids (mg/l)		Monitor & Report		
Chlorides (mg/l)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 017 varies.

Outfall 017 discharges to: Dry Run

The proposed effluent limits for Outfall 017 Lat: 40° 11' 37" Long: 79° 59' 17" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		1.0	2.0	2.5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Total Dissolved Solids (mg/l)		Monitor & Report		
Sulfates (mg/l)		Monitor & Report		
Chlorides (mg/l)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

**NPDES No. PA0235903 (Mining Permit No. 56081301), LCT Energy, LP**, (941 Pine Grove Lane Suite B, Johnstown, PA 15905). A new NPDES and mining activity permit for the Brubaker Mine in Shade and Paint Townships, **Somerset County** a new underground mine. Surface Acres Affected 81.6, Underground Acres Affected 736.1. Receiving stream: Unnamed Tributary to Hinson Run, classified for the following use(s): CWF. Kiskiminetas-Conemaugh River Watershed TMDL. Application received December 5, 2008.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The proposed average daily discharge rate for Outfall 001 is 0.72 MGD

Outfall 001 discharges to: Unnamed Tributary to Hinson Run

The proposed effluent limits for Outfall 001 Lat: 40° 19' 12.1" Long: 78° 51' 24.1" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.642	1.0	
Aluminum (mg/l)		0.481	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Osmotic Pressure (mOs/kg)		32	50	1000 gpm
Total Dissolved Solids (mg/l)		2000	4000	
Sulfates (mg/l)		Monitor & Report		
Chlorides (mg/l)		Monitor & Report		
Specific Conductance (umho)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 002 is 0.09 MGD

Outfall 002 discharges to: Unnamed Tributary to Hinson Run

The proposed effluent limits for Outfall 002 Lat: 40° 09' 12.3" Long: 78° 51' 23.8" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.642	1.0	
Aluminum (mg/l)		0.481	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Total Dissolved Solids (mg/l)		2000	4000	
Sulfates (mg/l)		Monitor & Report		
Chlorides (mg/l)		Monitor & Report		
Specific Conductance (umho)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 003 is 0.02 MGD

Outfall 003 discharges to: Unnamed Tributary to Hinson Run

The proposed effluent limits for Outfall 003 Lat: 40° 09' 15.9" Long: 78° 51' 35.4" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.642	1.0	
Aluminum (mg/l)		0.481	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Osmotic Pressure (mOs/kg)			50	
Total Dissolved Solids (mg/l)		Monitor & Report		
Sulfates (mg/l)		Monitor & Report		
Chlorides (mg/l)		Monitor & Report		
Specific Conductance (umho)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

**NPDES No. PA0235971 (Mining Permit No. 30101301), CWMM, LLC**, (165 East Union Street, Suite 300, Somerset, PA 15501). A new NPDES and mining activity permit for the CW Morgan Mine in Dunkard, Perry, Greene and Whiteley Townships, **Greene County** a new underground mine. Surface Acres Affected 72.1, Underground Acres Affected 2745.9. Receiving stream: Dunkard Creek, classified for the following use(s): WWF. Dunkard Creek TMDL. Application received May 20, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The proposed average daily discharge rate for Outfall 001 is 1.44 MGD

Outfall 001 discharges to: Dunkard Creek

The proposed effluent limits for Outfall 001 Lat: 39° 45' 18" Long: 80° 00' 05" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.64	1.00	
Aluminum (mg/l)		0.48	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Osmotic Pressure (mOs/kg)		32	50	
Total Dissolved Solids (mg/l)		500	750	
Sulfates (mg/l)			250	
Chlorides (mg/l)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 002 is 1.26 MGD

Outfall 002 discharges to: Dunkard Creek

The proposed effluent limits for Outfall 002 Lat: 39° 45' 15" Long: 79° 59' 54" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.64	1.00	
Aluminum (mg/l)		0.48	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Osmotic Pressure (mOs/kg)		Monitor & Report		
Total Dissolved Solids (mg/l)		Monitor & Report		
Sulfates (mg/l)		Monitor & Report		
Chlorides (mg/l)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 003 is 2.78 MGD

Outfall 003 discharges to: Dunkard Creek

The proposed effluent limits for Outfall 003 Lat: 39° 44' 57" Long: 79° 59' 57" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.64	1.00	
Aluminum (mg/l)		0.48	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Osmotic Pressure (mOs/kg)		Monitor & Report		
Total Dissolved Solids (mg/l)		Monitor & Report		
Sulfates (mg/l)		Monitor & Report		
Chlorides (mg/l)		Monitor & Report		

<sup>1</sup> The parameter is applicable at all times.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0212687 (Mining permit no. 32990103)**, TLH Coal Company, 4401 Pollock Road, Marion Center, PA 15759, renewal of an NPDES permit for surface/auger mine in Grant Township, **Indiana County**, affecting 30.1 acres. Receiving stream(s): Unnamed Tributaries to and East Run, classified for the following use(s): High Quality Cold Water Fishery. Due to the classification of the streams there are no permitted discharges of treated wastewater from this permit to the receiving streams and all treatment ponds have been reclaimed. Application received: April 14, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Unnamed Tributary to East Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Pond #2)	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids			0.5 ml/l
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

#### *Noncoal NPDES Draft Permits*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES Permit No. PA0259128 (BMR-GP103 25111001) Groundwork Resources, LLC** (8870 Baron Road, McKean, PA 16426) New NPDES permit for a BMR-GP-103, Short-Term Construction Projects, in McKean Township, **Erie County** affecting 4.1 acres. Receiving stream: N/A. Application received: June 20, 2011.

There is no proposed discharge for this site due to the implementation of BMPs.

**NPDES Permit No. PA0259136 (SMP No. 42082805). HRI, Inc.** (1750 West College Avenue, State College, PA 16801) New NPDES permit for a small industrial mineral mine in Lafayette Township, **McKean County** affecting 5.0 acres. Receiving streams: N/A. Application received: June 28, 2011.

There is no proposed discharge for this site due to the implementation of BMPs.

## **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.



The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E15-816. Kim Moretti**, Township Manager, East Pikeland Township, P. O. Box 58, Kimberton, PA 19442, East Pikeland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a new 8-foot wide, 120-foot span pedestrian bridge across French Creek (TSF-MF) associated with expansion of the existing sidewalk/trail system at the existing breached Rapps dam site.

The site is located approximately 2000 feet southwest of intersection of Rapps Dam Road and Council Road (Phoenixville, PA USGS Quadrangle N: 1.6 inches; W: 8.00 inches) in East Pikeland Township, Chester County.

**E15-815. Kennett Square Golf & Country Club**, 100 E. Locust Lane, Kennett Square, PA 19348, East Marlborough Township, **Chester County**, ACOE Philadelphia District.

To restore and maintain approximately 2,150 linear feet of streambank along the East Branch of Red Clay Creek within Kennett Square Golf and Country Club, by utilizing natural stream design techniques. This work includes replacement of the existing pedestrian /golf cart bridge.

The site is located approximately 0.3 miles west of the intersection of East Locust Lane and Unionville Road (S.R. 0082) (Kennett Square, PA USGS Quadrangle, N: 20.9 inches; W: 11.6 inches).

**E09-953. Cold Springs Investment Group, L.P.** 301 Oxford Valley Road, Suite 702, Yardley, PA 19067-7713, Yardley borough, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and Encroachment activities across/along Brock Creek associated with the construction of a residential development at the existing US Magnet site (Cold Springs):

1. To construct and maintain a 95-foot long, 6-foot wide, and 8.5-foot high pedestrian bridge.
2. To construct and maintain four outfall structures.
3. To stabilize and maintain approximately 30 linear feet of streambank.

The site is located near the intersection of Newtown Road and West Afton Avenue (Trenton west, NJ-PA USGS Quadrangle N: 21.5 inches; W: 13.4 inches).

**E09-955. Bristol Borough**, 250 Pond Street, Bristol, PA 19007, Bristol Borough, **Bucks County**, ACOE Philadelphia District.

To redevelop the existing public works maintenance office facility in and along the 100-year floodplain of the Delaware River. Work will include the removal of the existing building and construction of a new facility, approximately 1.5 feet above the 100-year floodplain elevation.

The site is located near the intersection of Maple Beach Road and Canal Street (Bristol, PA-NJ, USGS Quadrangle N: 7 inches; W: 6.25 inches).

**E51-247. Chuck Pukanecz**, Pier 5 Marina Inc., LLC and Pier 5 and Marina Associates LP, 31 N. Columbus Blvd., Philadelphia, PA 19106, **Philadelphia County**, ACOE Philadelphia District.

To rehabilitate, and maintain the two existing marina docking facilities among Pier 3, Pier 5, and Pier 9. This work includes maintenance dredging of these areas which are approximately 216 feet wide and extend about 507 feet into the Delaware River (WWF, MF).

The site is located at Piers No. 3, 5, and 9 along the Delaware River (Philadelphia, PA-NJ, USGS Quadrangle N: 13.82 inches; W: 2.02 inches).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E39-512. Lehigh County**, Government Center 17 South Center Street, Allentown, PA 18101, in Whitehall Township and North Catasauqua Borough, **Lehigh and Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

Remove the existing structure; and to construct and maintain an eight-span bridge consisting of five pre-stressed bulb tee beam spans and three pre-stressed spread box beam spans, with reinforced concrete abutments and wingwalls. The structure will have a span of 1,000 feet and an approximate under-clearance of 48.7 feet over the Lehigh River (TSF, MF). The project will also have 0.18 acre of temporary wetland impacts. The project is located along S.R. 1014 (Lehigh Street), Section LSB, Segment 0040, Offset 0444, at the intersection of Water Street and SR 1014. (Catasauqua, PA Quadrangle, Latitude: 40°39'38"; Longitude: -75°29'04").

**E39-513. City of Allentown**, Department of Public Works, Allentown, PA 18103, in City of Allentown, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the American Parkway Roadway Improvement Project:

1. To construct and maintain a five-span concrete I-beam bridge having a normal span of 658 feet and an approximate under-clearance of 22 feet over the Lehigh River (TSF, MF).
2. To place of fill in approximately 0.01 acres of the floodplain of the Jordan Creek (TSF, MF).
3. To place of fill in approximately 2.34 acres of the floodway/floodplain of the Lehigh River

4. To place of fill in approximately 0.12 acres of the floodway/floodplain of a tributary to the Lehigh River (CWF, MF).

The project is located along S.R. 96216 (American Parkway) at the intersection of American Parkway and Front Street in the City of Allentown, Lehigh County. (Allentown East, PA Quadrangle, Latitude: 40°37'22.1"; Longitude: -75°27'30.4").

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**E06-668: Pa. Department of Transportation Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, in Pike Township, **Berks County**, ACOE Philadelphia District

To remove the existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge skewed 75° having a clear span of 63.46 feet, a width of 29.83 feet, and an underclearance of 6.56 feet across Pine Creek (EV) for the purpose of improving transportation safety and roadway standards. The project is located along SR 1026 (Bertolet Mill Road) in Pike Township, Berks County (Manatawny, PA Quadrangle; N: 6.1 inches, W: 15.6 inches; Latitude: 40°24'31", Longitude: -75°44'13").

**E67-893: P. H. Glatfelter Company**, Phyllis Chant, 228 South Main Street, Spring Grove, PA 17362-0500, in Spring Grove borough, **York County**, ACOE Baltimore District

To (1) construct and maintain a temporary 22.05-foot wide, single span bridge having a normal span of 144.6 feet and an underclearance of 12.0 feet across Codorus Creek (WWF, MF), and (2) temporarily place and maintain fill in 0.018 acres of emergent/ forested wetlands for the purpose of improving transportation safety on the P. H. Glatfelter property. The project is located along Route 116/York Road/Hanover Road on the P. H. Glatfelter property, approximately 800.0 feet downstream of the existing bridge (Seven Valleys, PA Quadrangle; N: 22.0 inches, W: 16.0 inches; Latitude: 39°52'14.8", Longitude: -76°51'45.2") in Spring Grove Borough, York County.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E18-466. Pennsylvania Department of Conservation and Natural Resources**, PO Box 8451, Harrisburg, PA 17105-8451. Beaverdam Road over the Left Fork of Beaverdam Run Culvert installation, in Leidy Township, **Clinton County**, ACOE Baltimore District (Hammersley Fork, PA Quadrangle N: 41°24'17"; W: 77°57'8").

To construct and maintain a 20-foot span by 6-foot rise by 42-foot long pre-cast box culvert with concrete end sections and wing walls depressed one foot in the Left Fork of Beaverdam Run to improve water quality at this existing muddy ford crossing. This project proposes to permanently impact 175 linear feet of Left Fork of Beaverdam Run that is designated as an Exceptional Value—Wild Trout Fishery.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E10-457, John McCrea**, 968 Clearfield Road, Fenelton, PA 16034. John and Becky McCrea Bridge, in Donegal Township, **Butler County**, ACOE Pittsburgh District (Chicora, PA Quadrangle N: 40°, 53', 35"; W: 79°, 43', 15").

The applicant has constructed two stream crossings within the Buffalo Creek Watershed. The after-the-fact permit application includes the operation and maintenance of a private steel beam bridge having a width of 10 feet, a clear span of 36 feet and an underclearance of 5.0 feet on Buffalo Creek and a 20 foot long, 36 inch diameter culvert within UNT Buffalo Creek. Buffalo Creek is a perennial stream classified as a High Quality, Cold Water Fishery.

**E20-584, Park Restoration, LLC**, 11805 Morning-shore Drive, Conneaut Lake, PA 16316-4057. Boat Docks at Conneaut Lake Park Beach, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Harmonsborg, PA Quadrangle N: 41°, 37', 58.7"; W: -80°, 18', 51.4").

The applicant proposes to construct and maintain a series of 14 docks each measuring approximately 3 feet wide by 20 feet long linked together by a walkway measuring approximately 3 feet wide by 330 feet long oriented parallel to, and averaging approximately 50 feet away from the shore line of Conneaut Lake (HQ-WWF) in Sadsbury Township, Crawford County. The docking facility would physically occupy approximately 10,000 square feet of submerged lands of the Commonwealth of Pennsylvania and would be configured in such a way as to enclose approximately 17,000 square feet of submerged lands of the Commonwealth currently utilized as a public swimming area.

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-014: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Ulster Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across an unnamed tributary to Susquehanna River (WWF-MF) impacting 3 linear feet of stream; (Ulster, PA Quadrangle, Latitude: 41° 49'40", Longitude: -76° 30'34") in Ulster Township, Bradford County;

2. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across an unnamed tributary to Susquehanna River (WWF-MF) impacting 3 linear feet of stream; (Ulster, PA Quadrangle, Latitude: 41° 49'36", Longitude: -76° 30'55") in Ulster Township, Bradford County;

3. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across an unnamed tributary to Susquehanna River (WWF-MF) impacting 3 linear feet of stream; (Ulster, PA Quadrangle, Latitude: 41° 49'38", Longitude: -76° 31'18") in Ulster Township, Bradford County;

4. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 40.5 square feet; (Ulster, PA Quadrangle, Latitude: 41° 49'40", Longitude: -76° 30'34") in Ulster Township, Bradford County;

5. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 8,104 square feet; (Ulster, PA Quadrangle, Latitude: 41° 49'36", Longitude: -76° 30'45") in Ulster Township, Bradford County;

6. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across a Palustrine Emergent

Wetland (PEM) impacting 389 square feet; (Ulster, PA Quadrangle, Latitude: 41° 49'36", Longitude: -76° 30'47") in Ulster Township, Bradford County;

7. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 2,869 square feet; (Ulster, PA Quadrangle, Latitude: 41° 49'36", Longitude: -76° 30'54") in Ulster Township, Bradford County;

8. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across a Palustrine Emergent/Scrub-Shrub Wetland (PEM/SS) impacting 14,881 square feet; (Ulster, PA Quadrangle, Latitude: 41° 49'52", Longitude: -76° 31'55") in Ulster Township, Bradford County;

9. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 136 square feet; (Ulster, PA Quadrangle, Latitude: 41° 49'36", Longitude: -76° 30'48") in Ulster Township, Bradford County;

10. a 12 inch diameter waterline and a temporary 12 foot wide equipment mat across a Palustrine Emergent/Scrub-Shrub Wetland (PEM/SS) impacting 4,019 square feet; (Ulster, PA Quadrangle, Latitude: 41° 49'33", Longitude: -76° 31'9") in Ulster Township, Bradford County;

The project will result in 9 linear feet of temporary stream impacts and 30,438 square feet (0.70 acres) of PEM/SS wetland impact all for the purpose of installing a waterline with associated access roadways.

**E5729-013: Chesapeake Appalachia, LLC**, 101 N. Main Street, Athens, PA 18810, Fox and Elkland Townships, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat across an unnamed tributary to Porter Creek (EV) impacting 29 linear feet (Shunk Quadrangle 41°32'29"N 76°42'15"W),

(2) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat across Porter Creek (EV) impacting 9 linear feet (Shunk Quadrangle 41°32'12"N 76°42'30"W).

The project will result in 38 linear feet of temporary stream impacts from water lines and temporary mat crossings. These crossings will accumulate a total of 0.02 acres of watercourse impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

**E5929-019: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston and Delmar Townships, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 882 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°51'37"N 76°59'01"W);

2) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 36,829 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°51'43"N 76°58'50"W);

3) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 2,550 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Roseville, PA Quadrangle 41°51'45"N 76°58'47"W);

4) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,842 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°51'46"N 76°58'45"W);

5) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 17,849 square feet of a palustrine emergent / palustrine scrub/shrub (PEM/PSS) wetland (Roseville, PA Quadrangle 41°51'48"N 76°58'40"W);

6) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 250 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Roseville, PA Quadrangle 41°51'49"N 76°58'38"W);

7) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,502 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°51'51"N 76°58'30"W);

8) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 2,200 square feet of Mill Creek (TSF) (Roseville, PA Quadrangle 41°51'53"N 76°58'26"W);

9) a temporary road crossing using a mat bridge and culvert impacting 1,200 square feet of Mill Creek (TSF) (Roseville, PA Quadrangle 41°51'57"N 76°58'27"W);

10) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 3,024 square feet of a palustrine emergent / palustrine scrub/shrub (PEM/PSS) wetland (Roseville, PA Quadrangle 41°52'04"N 76°58'12"W);

11) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 500 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°52'50"N 76°57'38"W);

12) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 3,981 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°53'07"N 76°57'47"W);

13) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 800 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'07"N 76°57'47"W);

14) a temporary road crossing using a mat bridge and culvert impacting 550 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'11"N 76°57'40"W);

15) a temporary road crossing using a mat bridge and culvert impacting 569 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°53'11"N 76°54'40"W);

16) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 800 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'11"N 76°57'52"W);

17) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch



diameter water line impacting 400 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°52'43"N 76°57'23"W);

18) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,868 square feet of a palustrine emergent / palustrine scrub/shrub (PEM/PSS) wetland (Millerton, PA Quadrangle 41°52'44"N 76°57'16"W);

19) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 200 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°52'44"N 76°57'15"W);

20) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 2,483 square feet of a palustrine emergent / palustrine scrub/shrub (PEM/PSS) wetland (Millerton, PA Quadrangle 41°52'44"N 76°57'15"W);

21) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 400 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°52'49"N 76°56'14"W);

22) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 600 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'18"N 76°56'26"W);

23) a temporary road crossing using a mat bridge and culvert impacting 180 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'13"N 76°56'24"W);

24) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 600 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°53'31"N 76°56'46"W);

25) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 931 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°53'41"N 76°56'38"W);

26) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,718 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°53'56"N 76°56'47"W);

27) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 800 square feet of an unnamed tributary (UNT) to Mill Creek (TSF) (Millerton, PA Quadrangle 41°54'00"N 76°56'16"W);

28) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 245 square feet of a palustrine forested (PFO) wetland (Millerton, PA Quadrangle 41°54'18"N 76°55'37"W);

29) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,065 square feet of a palustrine forested (PFO) wetland (Millerton, PA Quadrangle 41°54'18"N 76°55'37"W);

30) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 905 square feet of a palustrine emergent (PEM) wetland (Millerton, PA Quadrangle 41°54'18"N 76°55'36"W);

The project will result in 710 linear feet of temporary stream impacts, a total of 80,383 square feet (1.85 acres) of temporary wetland impacts, and a total of 1,310 square feet (0.03 acres) of permanent wetland impacts. Streams and wetlands are being crossed all for the purpose of installing a natural gas gathering line, a large spur line, and several short spur lines.

**E0829-016: Talisman Energy USA, Inc.**, 50 Penwood Place, Warrendale, PA 15086, Wells Township, **Bradford County**, ACOE Baltimore District. To construct, operate and maintain:

1. One 12 inch diameter natural gas line, and a 6 inch diameter flex steel water line impacting 832.5 square feet of a Palustrine Emergent Wetland (Gillett, PA Quadrangle N: 11.25 inches, W: 17.13 inches, Latitude: 41°57'03.60", Longitude: -76°51'13.68").

2. One 12 inch diameter natural gas line, and a 6 inch diameter flex steel water line impacting 115.8 square feet of a Palustrine Emergent Wetland (Gillett, PA Quadrangle N: 11.25 inches, W: 17.13 inches, Latitude: 41°56'51.36", Longitude: -76°51'23.04").

3. One 12 inch diameter natural gas line, a 6 inch diameter flex steel water line and a 16 foot wide equipment mat impacting 7,870.7 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°56'51.36", Longitude: -76°51'28.80").

4. One 12 inch diameter natural gas line, a 6 inch diameter flex steel water line and a 16 foot wide equipment mat impacting 3,278.2 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°56'48.12", Longitude: -76°51'57.24").

5. One 12 inch diameter natural gas line, a 6 inch diameter flex steel water line and a 16 foot wide equipment mat impacting 16 linear feet of an unnamed tributary to Beckwith Creek (CWF, MF) and an adjacent Palustrine Emergent Wetland impacting 1,354.6 square feet (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°56'45.60", Longitude: -76°51'57.96").

6. One 12 inch diameter natural gas line, a 6 inch diameter flex steel water line and a 16 foot wide equipment mat impacting 16 linear feet of an unnamed tributary to Beckwith Creek (CWF, MF) and an adjacent Palustrine Emergent Wetland impacting 923.4 square feet (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°56'32.64", Longitude: -76°51'55.80").

7. One 12 inch diameter natural gas line, a 6 inch diameter flex steel water line and a 16 foot wide equipment mat impacting 3717.7 square feet of a Palustrine Emergent/Scrub-Shrub Wetland (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°56'31.56", Longitude: -76°51'56.16").

8. One 12 inch diameter natural gas line, a 6 inch diameter flex steel water line and a 16 foot wide equipment mat impacting 1,897.7 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°56'28.32", Longitude: -76°51'56.16").

9. One 12 inch diameter natural gas line, a 6 inch diameter flex steel water line and a 16 foot wide equip-



ment mat impacting 16 linear feet of an unnamed tributary to Beckwith Creek (CWF,MF) (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°56'17.52", Longitude: -76°51'55.44").

10. One 12 inch diameter natural gas line, and a 6 inch diameter flex steel water line impacting 382.8 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°56'14.64", Longitude: -76°52'21.00").

11. One 12 inch diameter natural gas line and a 6 inch diameter flex steel water line impacting 13 linear feet of Beckwith Creek (CWF, MF) and an adjacent Palustrine Emergent/Scrub-Shrub Wetland impacting 817.5 square feet (Millerton, PA Quadrangle N: 11.6 inches, W: 11.4 inches, Latitude: 41°56'32.64", Longitude: -76°51'55.80").

The project will result in 61 linear feet of temporary stream impacts and 21,190.9 square feet (0.49 acres) of PEM/PSS wetland impacts all for the purpose of installing a natural gas pipeline and a water line with associated access roadways.

## ENVIRONMENTAL ASSESSMENT

*Northcentral Region: Program Manager, Watershed Management Program, 208 West Third Street, Williamsport, PA 17701*

**EA14-007. US Fish and Wildlife Service**, 315 South Allen Street, Suite 322, State College, PA 16801-4850. Wallace Run/Brown Property Stream Restoration Project, in Boggs Township, **Centre County**. ACOE Baltimore District.

This project proposes to stabilize the channel and improve sediment transport of a 900-foot reach of Wallace Run. At this location, prior restoration activities had stabilized the stream, which had been actively trying to meander in the river left direction at the location of the Brown property, causing significant bank erosion. The stream was stabilized by rerouting the stream and stabilizing it with a series of 9 rock vanes. This project proposes to permanently impact 900 linear feet of Wallace Run, which is classified as a Wild Trout—Cold Water Fishery. (Bellefonte, PA Quadrangle N: 40°57'03"; W: 77°49'55").

## STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11013	Petroleum Products Inc. 500 River East Drive Belle, WV 25015 Attn: D. Walter Hanson	Bradford	Leroy Township	6 ASTs storing diesel fuel	120,000 gallons total
11014	Baker Hughes Oilfield Operations 17021 Aldine Westfield Road Houston, TX 77073 Attn: Joshua C. Morrisette	Lackawanna	Fell Township	13 ASTs storing drilling fluids and base oil	252,000 gallons total

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## **I. NPDES Renewal Permit Actions**

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114979 (Sewage)	Knoxville Borough WWTP 115 S East Street Knoxville, PA 16928	Tioga County Knoxville Borough	Cowanesque River (4-A)	Y
PA0112933 (Sewage)	Penns Creek Municipal Authority WWTP 207 Walnut Street Penns Creek, PA 17862	Snyder County Center Township	Penns Creek (6-A)	Y
PA0114936 (Sewage)	BCI Wastewater Treatment Plant 625 Cressview Street Ext Irvona, PA 16656	Clearfield County Irvona Borough	Clearfield Creek (8-C)	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0021521	Smethport Borough Authority STP P. O. Box 152 Smethport, PA 16749-0152	McKean County Smethport Borough	Potato Creek 16-C	Y
PA0044067	Pennsylvania Fish & Boat Commission 9450 Route 6 Union City, PA 16438	Erie County Union Township	Bentley Run 16-A	Y
PA0092304	Keystone Senior Care 296 Dinnerbell Road Butler, PA 16002	Butler County Penn Township	Unnamed tributary to Robinson Run 20-C	Y

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**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**


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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**NPDES Permit No. PA0026182**, Sewage, **Borough of Lansdale**, One Vine Street, Lansdale, PA 19446.

This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge an annual flow of 2.6 MGD, and a maximum monthly flow of 4.5 MGD of treated sewage from a facility known as Lansdale Borough STP to Unnamed Tributary to West Branch Neshaminy Creek in Watershed 2F.

**NPDES Permit No. PA0053384**, Sewage, **Buckingham Assembly Hall of Jehovah's Witnesses**, P. O. Box 338, Buckingham, PA 18912.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge an average monthly flow of 8,000 gpd of treated sewage from a facility known as Jehovah's Witnesses STP to Unnamed Tributary to of Mill Creek in Watershed 2F-Neshaminy.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**NPDES Permit No. PA0011169 Amendment No. 1**, Sewage, **Materion Brush, Inc.**, PO Box 973, Reading, PA 19603.

This proposed facility is located in Perry Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Schuylkill River in Watershed 3-B.

**NPDES Permit No. PA0087912 T-1**, Industrial Waste, **Mechanicsburg Terminals Corporation**, PO Box 2621, Harrisburg, PA 17105-2621.

This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to drainage swales to Hogestown Run and Trindle Spring Run in Watershed 7-B.

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**III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law**


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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA*

**WQM Permit No. 1504404**, Sewage, Renewal, **West Bradford Township**, 1385 Campus Drive, Downingtown, PA 19335.

This proposed facility is located in West Bradford Township, **Chester County**.

Description of Action/Activity: Renewal to continue operation of a sewage treatment plant with a spray irrigation system.

**WQM Permit No. 0995418**, Sewage, Renewal, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: Renewal for the continued operation of Fieldstone Wastewater Treatment Plant.

**WQM Permit No. WQG02091105**, Sewage, **Warrington Township**, 852 Easton Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

**WQM Permit No. 0911401**, Sewage, **Pennsylvania Historical & Museum Commission**, Commonwealth Keystone Building, 400 North Street, Room N118, Harrisburg, PA 17120-0093.

This proposed facility is located in Solebury Township, **Bucks County**.

Description of Action/Activity: Replacing 4 pump stations with new pump stations.

**WQM Permit No. 1588416**, Sewage, Renewal, **Balmoral Homeowners Maintenance Corporation**, 511 West Chester Pike, Havertown, PA 19083.

This proposed facility is located in Kennett Township, **Chester County**.

Description of Action/Activity: To renew the continued operation of a 0.0417 waste water treatment plant.

**WQM Permit No. WQG02461108**, Sewage, **Horsham Water & Sewer Authority**, 617 Horsham Road, Horsham, PA 19044.

This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a gravity sanitary sewer to serve the PA Air National Guard 111th Fighter Wing at the Willow Grove Air Reserve Station.

**WQM Permit No. WQG02461109**, Sewage, **Pennsylvania Air National Guard 111th Fighter Wing**, 1120 Fairchild Street, Horsham, PA 19044-5236.

This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a force main to serve the PA Air National Guard 111th Fighter Wing at the Willow Grove Air Reserve Station.

**WQM Permit No. 1511402**, Sewage, **Easttown Municipal Authority**, 566 Beaumont Road, Devon, PA 19333.

This proposed facility is located in Easttown Township, **Chester County**.

Description of Action/Activity: To replace the existing Devon Hunt Pump Station with a new submersible sewage pumping station.

**WQM Permit No. 2386410**, Sewage, Transfer, **Christopher Hopkins**, 2015 Valley Road, Newtown Square, PA 19073-2722.

This proposed facility is located in Edgmont Township, **Delaware County**.

Description of Action/Activity: Single residence sewage treatment plant transferring from Owen J. Mooney to Christopher Hopkins.

**WQM Permit No. WQG010035**, Sewage, **Jeff Klimaski**, 132 Foxcroft Drive, Doylestown, PA 18901.

This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small flow sewage treatment plant.

**WQM Permit No. 4611403**, Sewage, **Borough of Lansdale**, One Vine Street, Lansdale, PA 19446.

This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Increasing the flow rate of 4.8 mgd to 6.576 mgd at the Whites Road Pump Station.

**WQM Permit No. 4611404**, Sewage, **Upper Gwynedd Township**, Parkside Place, P. O. Box 1, West Point, PA 19486.

This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a 16 inch gravity sewer, pump station and 8 inch force main.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 2171401, Amendment 11-1**, Sewage, **New Cumberland Borough**, 1120 Market Street, New Cumberland, PA 17070.

This proposed facility is located in New Cumberland Borough, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities upgrades consisting of: the construction of several new treatment units, including two new oxidation ditches, a new headworks building with a mechanical screen and vortex grit chamber, two new sixty foot diameter final clarifiers and a cascade aerator preceding the existing UV chamber. A new solids centrifuge will also be installed. The Southeast Pump Station pumps will be reconfigured to new 10 inch force mains discharging to a new 21 inch PVC gravity line at manhole 52.

**WQM Permit No. 2811201**, CAFO, **Leon Snyder**, 230 Poplar Road, Fleetwood, PA 19522.

This proposed facility is located in Fannett Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of manure storage facilities consisting of Stage 1: 1) a 652' x 89.5' farrowing barn with 2' deep shall pit concrete under storage providing 655,000 gallons storage at a 6" freeboard. 2) a 125.5 x 481' breeding and gestation barn with a 9' deep pit concrete under storage providing 3,838,000 gallons storage at a 6" freeboard. Stage 2: 1) a 125.5 x 509' breeding and gestation barn with a 9' deep pit concrete under storage providing 4,061,000 gallons storage at a 6" freeboard. 2) a 77.5 X 234' gilt grower barn with a 9' deep pit concrete under storage providing 1,153,000 gallons storage at a 6" freeboard. All barns will be constructed with a perimeter / leak detection drain with an observation well and controlled outlet.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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#### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 511009	JERC Partners XIII, LP 171 State Route 173 Suite 201 Asbury, NJ 08802	Philadelphia	City of Philadelphia	Unnamed Tributary Pennypack Creek - Pennypack Creek (TSF-MF)



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 511009	JERC Partners XIII, LP 171 State Route 173 Suite 201 Asbury, NJ 08802	Philadelphia	City of Philadelphia	Unnamed Tributary Pennypack Creek - Pennypack Creek (TSF-MF)
<i>Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010008	Commonwealth of Pennsylvania Bureau of Forestry RR 1 Box 230 Dalton, Pa 18414	Luzerne Co.	Wright Twp.	UNT to Nescopeck Creek (HQ-CWF, MF)
PAI024810010	Edward & Elaine Mertz 480 Nolf Road Nazareth PA 18064	Northampton Co.	Bushkill Twp.	Bushkill Creek (HQ-CWF, MF)
PAI024810008	Constantine Pozrikidis PO Box 1241 Amherst, MA 01004	Northampton Co.	Williams Twp.	Fry's Run (HQ-CWF, MF)
<i>Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717-705-4707.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032810001	David Sciamanna Cumberland Valley Regional Development Corporation 100 Lincoln Way, Suite A Chambersburg, PA 17201	Franklin	Southampton Twp.	Middle Spring Creek; HQ-CWF
<i>Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701</i>				
<i>Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041411003	Patton Township 100 Patton Plaza State College, PA 16803	Centre	Patton Township	Buffalo Run HQ-CWF

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*

Throop Boro., Lackawanna Co.	PAG2003509009(2)	Chris Cuneo Gertrude Hawk Chocolates 9 Keystone Industrial Park Dunmore, PA 18512	UNT to Eddy Creek (WWF, MF)	Lackawanna Co. Conservation District 570-281-9495
Maxatawny Township Berks County	PAG02000604109R	Robert Ciccone PO Box 86 Bath, PA 18014	Saconomy Creek/TSF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Susquehanna Township Dauphin County	PAG02002211006	Central PA Food Bank, Inc 3908 Corey Rd Harrisburg, PA 17109	Spring Creek West/CWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Derry Township, Dauphin County	PAG02002206034	Doug Gelder DSG Development Corp PO Box 42 Hershey, PA 17033-0042 & Chad Barshinger Abel Contruccion Inc PO Box 476 Mountville, PA 17554-0476	Swatara Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Peters Township Franklin County	PAR10M235-R(2)	Upton Fields Harry Fox 600 Coldsprings Road Dillsburg PA 17019	UNT to Conococheague CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Borough of Chambersburg Franklin County	PAG2002806044R	Creekside Tanya Nitterhouse PO Box 1013 Chambersburg PA 17201	UNT to Conococheague WWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Washington Township Franklin County	PAG2002805082R	Farmsprings Estates Ronnie Martin 1625 East Main Street Waynesboro PA 17268	UNT to E Br. Antietam Cr CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Borough of Waynesboro Franklin County	PAG02002811014	Waynesboro Water Treatment Waynesboro Boro Authority PO Box 310 Waynesboro PA 17268	UNT E Br Antietam Cr CWF /MF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
East Hanover and Union Townships Lebanon County	PAG02003809011 (3)	Col Samuel E. Hayes FTIG Bldg T-0-1 Annville PA 17003	Vesle Run and Aires Run/ WWF, MF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Union Township Lebanon County	PAG02003811009	Bryce B. Veon Veon Construction 61 Executive Court West Middlesex PA 16159	UNT to Swatara Creek/ WWF, MF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*

South Lebanon Township Lebanon County	PAG02003811007	Charles West Sun Edison, LLC 100 Twinbridge Dr. Suite J Pennsauken NJ 08110	Hazle Dyke Creek/TSF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Athens Township Bradford County	PAG2000811002	Chesapeake Land Dev Co, LLC 6100 N Western Ave Oklahoma, OK 73118	Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Pike Township Clearfield County	PAG2001711005	PA Department of Transportation 1924 Daisy Street Ext Clearfield, PA 16830	Bilgers Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Berwick Borough Columbia County	PAG2001911002	Berwick Area Joint Sewer Auth 1108 Freas Ave Berwick, PA 18603	Susquehanna River WWF, MF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Berwick Borough Columbia County	PAG2001911003	Borough of Berwick 1800 N Market St Berwick, PA 18603	Susquehanna River WWF, MF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Fairfield Township Lycoming County	PAG2004111001(1)	Lycoming County Water & Sewer Authority 216 Old Cement Rd Montoursville, PA 17754	Tules Run WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Fairfield Township Lycoming County	PAG2004111004	Gregory Welteroth, Jr. Choate Warehouse I, LP 356 Laurens Rd Montoursville, PA 17754	Bennetts Run WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754 (570) 433-3003
Fairfield Township Muncy Township Lycoming County	PAG2004111009	Lycoming County Water & Sewer Authority 216 Old Cement Rd Montoursville, PA 17754	Tules Run WWF, MF Twin Run WWF West Branch of Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Moreland Township Lycoming County	PAG2004111010	Toby Wagner 560 L Bartlow Rd Muncy, PA 17756	Little Muncy Creek CWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Loyalsock Township Lycoming County	PAG2004111013	Albert Clapps Diamond Point, LP 429 Market St. Williamsport, PA 17701	Millers Run WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Point Township Northumberland County	PAG2004910020	Barry Colescott Ridge Point Development 2553 Ridge Rd Northumberland, PA 17857	Lithia Spring Creek CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
Foster Township McKean County	PAG02 0042 11 003	American Refining Group 77 North Kendall Avenue Bradford PA 16701	Foster Brook CWF	McKean Conservation District 814-887-4001
Somerset County, Somerset Township	PAG02-0956-11-004	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Kimberly Run/CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office &amp; Phone No.</i>
Whitemarsh Township Montgomery County	PAR230073	McNeil Consumer Healthcare 7050 Camp Hill Road Fort Washington, PA 19034	Sandy Run—3F	Southeast Region Water Management 484.250.5970
West Goshen Township Chester County	PAR120010	Hain Celestial Group Inc. 700 Old Fern Hill Road West Chester, PA 19380	Unnamed Tributary To Taylor Run—3-H	Southeast Region Water Management 484.250.5970
West Nottingham Township Chester County	PAR210037	New Enterprise Stone & Lime Co. Inc. DBA Martin Limestone Inc. PO Box 550 Blue Bell, PA 17506-0550	Unnamed Tributary To Northeast Creek—7-K	Southeast Region Water Management 484.250.5970
Falls Township Bucks County	PAR200050	Firestone Metal Products, LLC 10 Steel Road East Morrisville, PA 19067-3987	Biles Creek and Delaware River—2E	Southeast Region Water Management 484.250.5970
Telford Borough Bucks County	PAR800066	Waste Management of PA Inc. 400 Progress Drive Telford, PA 18969	Mill Creek—3E	Southeast Region Water Management 484.250.5970
Harford Twp. Susquehanna County	PAR212224	Herb Kilmer & Sons Inc PO Box 129 Kingsley PA 18826	Tower Branch Trib. to Tunkhannock Creek (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
City of Corry Erie County	PAR208325	Corry Forge Company 441 E. Main Street Corry, PA 16407-2013	Municipal storm sewers to Hare Creek 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942



*General Permit Type—PAG-7**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Athens Borough  
Bradford County

PAG 07 4828

Valley Joint  
Sewer Authority  
1 South River Street  
Athens, PA 18810Valley Joint Sewer  
Authority Athens  
Borough Bradford  
CountyNCRO  
570-327-0526*General Permit Type—PAG-8**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Fayette Township  
Juniata County

PAG083564

McAlisterville Area  
Joint Authority  
PO Box 61  
McAlisterville, PA 17049McAlisterville WWTP  
543 McMeen Road  
McAlisterville, PA 17049DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707Union Township  
Lebanon County

PAG083607

PA Department of  
Military and Veteran  
Affairs  
Bureau of Environmental  
Management  
Fort Indiantown Gap  
Training Site WWTP  
Bldg. 0-11 Fort  
Indiantown Gap  
Annville, PA 17003Fort Indiantown Gap  
Training Site WWTP  
Annville, PADEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Cheltenham  
Township  
Montgomery County

PAG100033

Texas Eastern  
Transmission, LP  
890 Winter Street  
Suite 300  
Waltham, MA 02451

Tacony Creek—3J

Southeast Region Water  
Management  
484-250-5970*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*York County /  
Codorus Township

PAG123707

Bryan T. Miller  
5111 Miller Road  
Glenville, PA 17329UNT Codorus Creek /  
TSF / 7HDEP—SCRO—  
Watershed Management  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802Franklin County /  
Peters Township

PAG123513

Tingkwang Chiou  
(Dry Run Farm)  
312 Hammonton Place  
Silver Spring, MD 20904UNT Back Creek /  
TSF / 13-CDEP—SCRO—  
Watershed Management  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES  
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be

filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Mason Dixon Farms 1800 Mason Dixon Road Gettysburg, PA 17325-7127	Adams	459.7	4524.4	dairy	na	Approved
Ideal Family Farms, LLC Beaverton Sow 89 BP Finishing Lane Beavertown, PA 17813	Snyder	46.0	1569.76	Swine	NA	Approved
John Stone 12547 Stage Road McClure, PA 17841	Snyder	53.0	593.55	Swine	NA	Approved

#### PUBLIC WATER SUPPLY (PWS) PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### SAFE DRINKING WATER

##### Actions taken under the Pennsylvania Safe Drinking Water Act

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 2211501 MA, Minor Amendment, Public Water Supply.**

Applicant

**The Harrisburg Authority (THA)**

Municipality

Susquehanna Township

County

**Dauphin**

Responsible Official

Shannon G. Williams P.E.,  
Engineering Director  
212 Locust Street Suite 302  
Harrisburg, PA 17107-7107

Type of Facility

Installation of a waterline  
extension along Elmerton  
Avenue.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department's review of the project and the information received in the Uniform Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on June 27, 2011.

Consulting Engineer Matthew D Cichy, P.E.  
Herbert, Rowland & Grubic, Inc.  
369 East Park Drive  
Harrisburg, PA 17111

Permit to Construct 6/8/2011  
Issued:

**Permit No. 6711507 MA, Minor Amendment, Public Water Supply.**

Applicant **Conewago Valley MHP**  
Municipality Newberry Township  
County **York**  
Responsible Official Elmer R. Keach Jr., Owner  
800 York Road  
Dover, PA 17315

Type of Facility Installation of chlorine contact  
pipe for 4-log treatment of  
viruses.

Consulting Engineer 1 - Not Available  
Permit to Construct 6/30/2011  
Issued:

**Permit No. 6711509 MA, Minor Amendment, Public Water Supply.**

Applicant **Country View Manor Park, LLC**  
Municipality Washington Township  
County **York**  
Responsible Official George J. Adams,  
Managing Member  
PO Box 66  
East Berlin, PA 17316

Type of Facility Chlorine contact tank  
installation for 4-log treatment  
of viruses.

Consulting Engineer 1 - Not Available  
Permit to Construct 6/30/2011  
Issued:

**Operations Permit** issued to: **Pennsylvania American Water**, 7210029, Silver Spring Township, **Cumberland County** on 6/30/2011 for the operation of facilities approved under Construction Permit No. 2108508.

**Operations Permit** issued to: **Martinsburg Municipal Authority**, 4070030, North Woodbury Township, **Blair County** on 6/30/2011 for the operation of facilities approved under Construction Permit No. 0709505.

**Operations Permit** issued to: **Greendown Acres Mobile Home Park**, 4070013, Blair Township, **Blair County** on 6/24/2011 for the operation of facilities approved under Construction Permit No. 0709506 MA.

**Operations Permit** issued to: **South Middleton Township Municipal Authority**, 7210050, South Middleton Township, **Cumberland County** on 7/1/2011 for the operation of facilities approved under Construction Permit No. 2110508 MA.

**Operations Permit** issued to: **GSP Management Company**, 3060032, Tilden Township, **Berks County** on 6/23/2011 for the operation of facilities approved under Construction Permit No. 0610528 MA.

**Operations Permit** issued to: **Fredericksburg Sewer & Water Authority**, 7380035, Bethel Township, **Lebanon County** on 7/1/2011 for the operation of facilities approved under Construction Permit No. 3810509 MA.

**Operations Permit** issued to: **Municipal Authority of the Borough of Lewistown**, 4440010, Armagh Township, **Mifflin County** on 6/30/2011 for the operation of facilities approved under Construction Permit No. 4411502 MA.

**Operations Permit** issued to: **Walker Township Municipal Authority**, 7310038, Walker Township, **Huntingdon County** on 6/30/2011 for the operation of facilities submitted under Application No. 3111504 MA.

**Operations Permit** issued to: **Loyalton Water Association**, 7220047, Washington Township, **Dauphin County** on 6/23/2011 for the operation of facilities submitted under Application No. 2211503 MA.

**Operations Permit** issued to: **Smithville Community LLC**, 7360121, Providence Township, **Lancaster County** on 6/24/2011 for the operation of facilities submitted under Application No. 3611523 MA.

**Operations Permit** issued to: **Victoria Manor Estates**, 7360031, Clay Township, **Lancaster County** on 6/24/2011 for the operation of facilities submitted under Application No. 3611517 MA.

**Operations Permit** issued to: **Fairmount Homes, Inc.**, 7360039, West Earl Township, **Lancaster County** on 6/30/2011 for the operation of facilities submitted under Application No. 3611522 MA.

**Operations Permit** issued to: **Park Acquisition LLC**, 7010039, Mt. Pleasant Township, **Adams County** on 6/30/2011 for the operation of facilities at the Cavalry Heights MHP.

**Operations Permit** issued to: **Mount Union Municipal Authority**, 4310016, Shirley Township, **Huntingdon County** on 6/30/2011 for the operation of facilities submitted under Application No. 3111506 MA.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. Minor Amendment (5375501)**—Operation Public Water Supply.

Applicant	<b>Coudersport Borough Authority</b>
[Township or Borough]	Coudersport Borough
County	<b>Potter</b>
Responsible Official	Mr. Marlin Moore Coudersport Borough Authority 201 South West Street Coudersport, PA 16915
Type of Facility	Public Water Supply
Consulting Engineer	Daniel Guss, P.E. Uni-Tec Consulting Engineers 2007 Cato Avenue IState College, PA 16801
Application Received	June 27, 2011
Description of Action	Operation of an AQUA GARD well maintenance system on North Well No. 1.

**Permit No. Minor Amendment—Operation Public Water Supply.**

**Applicant** **Halfmoon Water Association**  
**[Township or Borough]** Rush Township  
**County** **Centre**  
**Responsible Official** Mr. Bill Laird  
 Halfmoon Water Association  
 211 Port Lane  
 Philipsburg, PA 16866

**Type of Facility** Public Water Supply  
**Consulting Engineer** N/A  
**Application Received** June 28, 2011  
**Description of Action** 4-log inactivation of viruses at Entry Point 101 (Well No. 1).

**Permit No. Minor Amendment—Operation Public Water Supply.**

**Applicant** **Blue Spring Terrace**  
**[Township or Borough]** Derry Township  
**County** **Montour**  
**Responsible Official** Mr. James L. Paugh  
 Blue Springs Enterprises, LLC  
 Box 120  
 Blue Springs Danville, PA 17821

**Type of Facility** Public Water Supply  
**Consulting Engineer** N/A  
**Application Received** June 28, 2011  
**Description of Action** 4-log inactivation of viruses at Entry Point 100 (Well No. 1).

**Permit No. Minor Amendment—Operation Public Water Supply.**

**Applicant** **Montoursville Borough**  
**[Township or Borough]** Montoursville Borough  
**County** **Lycoming**  
**Responsible Official** Mr. Robert Brobson  
 Montoursville Borough  
 617 North Loyalsock Avenue  
 Montoursville, PA 17754

**Type of Facility** Public Water Supply  
**Consulting Engineer** David Walters, P.E.  
 Larson Design Group  
 1000 Commerce Park Drive  
 Williamsport, PA 17701

**Application Received** June 29, 2011  
**Description of Action** 300 feet of 48-inch detention piping to provide 4-log treatment of viruses at Entry Point 101 (Well No. 4, Well No. 5 and Sylvan Dell Spring); upgrade of Well No. 4 disinfection facilities; and verification of 4-log treatment of viruses at Entry Point 102 (Well No. 2) and Entry Point 103 (Well No. 3).

**Permit No. 4111501—Construction Public Water Supply.**

**Applicant** **Village Water Company, Inc.**  
**[Township or Borough]** Fairfield Township

**County****Responsible Official****Type of Facility****Consulting Engineer****Application Received****Description of Action****Lycoming**

Christine Weigle, Vice President  
 Village Water Company, Inc.  
 P. O. Box 186  
 Montoursville, PA 17754

**Public Water Supply**

N/A

June 29, 2011

Construct a new 200,000 gallon pedisphere finished water storage tank and the interconnections with Tules Run, Bella Vista and Mountain View developments.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Permit No. 0211504, Public Water Supply.**

**Applicant** **The Municipal Authority of the Borough of Oakmont,**  
 PO Box 73,  
 721 Allegheny Avenue,  
 Oakmont, PA 15139

**[Borough or Township]** Middlesex Township  
**County** Butler  
**Type of Facility** Water system  
**Consulting Engineer** NIRA Consulting Engineers, Inc.  
 950 Fifth Avenue  
 Coraopolis, PA 15108

**Permit to Construct Issued** June 13, 2011

**Operations Permit** issued to: **Nanty Glo Water Authority**, 1015 First Street, Suite 1, Nanty Glo, PA 15943, (PWSID #4110023) Cambria Township, **Cambria County** on June 21, 2011 for the operation of facilities approved under Construction Permit # 1108502MA.

**Permit No. 0410513MA, Minor Amendment. Public Water Supply.**

**Applicant** **Ohioville Borough Municipal Authority,**  
 6268 Tuscarawas Road,  
 Industry, PA 15052

**[Borough or Township]** Ohioville Borough  
**County** **Beaver**  
**Type of Facility** Water system  
**Consulting Engineer** Michael Baker Jr., Inc.  
 4301 Dutch Ridge Road  
 Beaver, PA 15009

**Permit to Construct Issued** June 22, 2011

**Permit No. 5609507GWR, Minor Amendment. Public Water Supply.**

**Applicant** **Central City Water Authority**  
 314 Central Avenue Suite 203  
 Central City, PA 15926

**[Borough or Township]** Central City Borough and Shade Township  
**County** **Somerset**



Type of Facility      Water system  
 Consulting Engineer      The EADS Group, Inc.  
                                  450 Aberdeen Drive  
                                  Somerset, PA 15501  
 Permit to Operate      June 21, 2011  
 Issued

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 6111503 Public Water Supply**

Applicant      **St. Mary's Area Water Authority**  
 Township      Fox Township  
 County      **Elk**  
 Responsible Official  
 Type of Facility      PWS  
 Consulting Engineer      F. Mark Voyack, PE  
                                  Quad 3 Architecture  
                                  37 North Washington Street  
                                  Wilkes-Barre, PA 18701  
 Permit to Construct      06/29/2011  
 Issued

**Operations Permit No. 6210501** issued to **North Warren Municipal Authority**, PWSID #662028, Conweango Township, **Warren County**, on June 29, 2011, for addition of 361 feet of chlorine contact piping to satisfy the Ground Water Rule for 4 log virus.

**WATER ALLOCATIONS**

**Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**WA 22-1037**, Water Allocations. **Steelton Borough Authority**, Dauphin County. The applicant was granted the right to purchase a maximum 648,000 gallons per day (gpd) based on a 30-day average, from United Water Pennsylvania, Inc. at a proposed new interconnection in Swatara Township, **Dauphin County**. Permit Issued: June 28, 2011

**WA 22-303I**, Water Allocations. **United Water Pennsylvania, Dauphin County**. The Department modified Permit No. WA 22-303I, issued August 30, 2005, in conjunction with issuance of Water Allocation Permit No. WA 22-1037 to the Steelton Borough Authority. A new permit condition was added to WA 22-303I that recognizes the agreement between United Water Pennsylvania, Inc. and the Steelton Borough Authority and the dependence of the Steelton Borough Authority on United Water to supply a maximum 648,000 gallons per day (gpd) on a monthly average (30 day) basis to Steelton. Permit Modification issued: June 28, 2011.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bart Township	46 Quarry Rd Quarryville, PA 17566	Lancaster

*Plan Description:* Approval of an update to the Official Sewage Plan of Bart Township, Lancaster County. The plan update provides for the an extension of sewers to serve approximately 32 homes along Georgetown and Mine Roads within 10 years of June 20, 2011, as shown in red on Figure 7 of the plan. The plan also provides for an on lot disposal sewage management program to be enacted by ordinance by September 2011. The on lot management ordinance will require inspection and pump outs of on lot systems every three years. Hydrogeologic studies will be required for subdivisions proposing on lot sewage disposal. The Department's review of the plan update has not identified any significant impacts resulting from this proposal. The DEP Code Number for this plan update is B3-36913-249-ACT. The APS number is 710249.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Camp Hill Borough	2145 Walnut Street, Camp Hill PA, 17011	Cumberland

*Plan Description:* The approved plan provides for the transfer of Camp Hill Borough's sewage from the Lemoyne Borough sewage treatment plant via a proposed new Spangler Road pump station and force main conveying 0.855 MGD annual average flow to the expanded 6.0 MGD Hampden Township sewage treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hampden Township	230 South Sporting Hill Road, Mechanicsburg PA, 17050	Cumberland

*Plan Description:* The approved plan provides for a biological nutrient reduction upgrade and expansion of the existing 4.82 MGD sewage treatment plant to 6.0 MGD average daily flow in order to meet the Chesapeake Bay Tributary Strategy and accept 0.855 MGD of average daily flow from Camp Hill Borough. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Wormleysburg Borough	20 Market Street, Wormleysburg PA, 17043	Cumberland

*Plan Description:* The approved plan provides for the transfer of Wormleysburg Borough's sewage from the

Lemoyne Borough sewage treatment plant via an upgraded pump station #1 and force main conveying 0.250 MGD annual average flow to the East Pennsboro Township sewage treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lemoyne Borough	665 Market Street, Lemoyne PA, 17043	Cumberland

*Plan Description:* The approved plan provides for the a reduction in size and upgrade of the existing 2.088 MGD sewage treatment plant to 1.3 MGD annual average flow in order to meet the requirements of the Chesapeake Bay Tributary Strategy. The reduction in treatment capacity is due to Camp Hill and Wormleysburg Boroughs pulling their sewage flow out of the Lemoyne sewage treatment plant and redirecting their sewage flow to the Hampden and East Pennsboro Townships sewage treatment plants. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Logan Township	7228 Diamond Valley Road, Alexandria, PA 16611	Huntingdon

*Plan Description:* The approved plan provides for the adoption and implementation of an on-lot disposal system (OLDS) management ordinance to address all OLDS in the municipality. The plan also provides for a sewer extension serving 31 properties on Diamond Valley Road tributary to the Petersburg Borough sewage treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Cocalico Twp	100 Hill Rd Denver, PA 17517	Lancaster

*Plan Description:* The planning module for the Stony Run Fields Subdivision, DEP Code No. A3-36924-213-2 and APS Id 746813, consists of a single residential building lot proposing an on lot system serving 500 gpd and a proposed stable restroom to be added to the existing system on the residue lot. The plan revision was denied because the proposed lot is insufficient in size to

result in an average groundwater impact of less than 10 mg/l nitrate-nitrogen, the Maximum Contaminant Level. The groundwater easement proposed to mitigate the nitrate plume impact is improperly placed far to the south. It is not directly down-gradient from the system plume it is intended to mitigate, nor is the easement directly adjacent. It appears the plume will flow off the property onto a neighbor's property to the west before entering Fry's Run. The proposed subdivision is located on the south side of Martin Drive (# 30), north east of Swartzville Rd (Rt 897), in East Cocalico Township, Lancaster County.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Gudz Estate**, 206 N. 14th Street, Easton City, **Northampton County**. Dawn Washo, Resource Environmental Management, Inc., 37 Taylor Lane, Montrose, PA 18801

has submitted a Final Report (on behalf of her client, Clara Ulmer, 25 Hainesburg River Road, Columbia, NJ 07832), concerning the remediation of soil found to have been impacted by home heating oil, leaded gasoline and 1,1,2,2-tetrachloroethane as a result of a release from an underground storage tank during the tank's removal. The report was submitted to document attainment of the Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Express Times* on May 7, 2011.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Verdelli Farms Property**, Laurel Alley and East 2nd Street, Hummelstown Borough, **Dauphin County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Ron Verdelli, P. O. Box 133, Hummelstown, PA 17036, submitted a Final Report concerning remediation of site groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Former Knight Celotex Site**, City of Sunbury, **Northumberland County**. Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520 on behalf of JDM Acquisitions, LLC, P. O. Box 295, Watsontown, PA 17777 has submitted a combined Remedial Investigation Report/Final Report concerning remediation of site groundwater contaminated with VOC and arsenic. The report is intended to document remediation of the site to meet the Site Specific Standard.

**American Rock Salt Co. LLC**, Dubois City and Sandy Township, **Clearfield County**. EnSol, Inc., 661 Main St., Niagara Falls, NY 14301 on behalf of American Rock Salt Co., PO Box 190, Mt. Morris, NY 14510 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics, including chlorides. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Foster Brook Facility South & Crude Tank Farm**, City of Bradford, **McKean County**. MACTEC Engineering & Consulting Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of American Refining Group, 77 North Kendall Avenue, Bradford, PA 16701 has submitted a Revised Cleanup Plan concerning remediation of site groundwater contaminated with separate phase liquids. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans

and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Bethlehem Commerce Center-Slag Bank 4**, Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Cleanup Plan (on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soil found to have been impacted by VOCs, Semi-VOCs and Inorganic constituents as a result of historical operations at the former Bethlehem Steel Plant. The report was submitted in partial fulfillment of the Site-Specific Standard for soil and was approved by Central Office on June 27, 2011.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Robin Reber Residence**, 542 South 12th Street, Reading, PA 19604, City of Reading, **Berks County**. Patriot Environmental Management, LLC, P. O. Box 629,



Douglassville, PA 19518, on behalf of Robin Reber, 1415 Scott Street, Reading, PA 19607, submitted a Final Report concerning the remediation of site soils contaminated with heating oil. The Final Report demonstrated attainment of the Residential Statewide Standard, and was approved by the Department on June 24, 2011.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Bucknell-Former BZ Motors site**, East Buffalo Township, **Union County**. TCI Environmental Services, Inc., 100 North Wilkes-Barre Blvd., Wilkes-Barre, PA 18702 on behalf of Bucknell Real Estate, 701 Moore St., Lewisburg, PA 17837 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum products at 2013 West Market St, Lewisburg, PA. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 27, 2011.

**James Sollick Property**, Asylum Township, **Bradford County**. Sovereign Consulting Inc., 50 West Welsh Pool Rd., Suite 6, Exton, PA 19341 on behalf of Excalibur Energy Services, 5383 East Highway 67, Rainbow, TX 76077 has submitted a Final Report concerning the remediation of site soil contaminated with brine, diesel fuel and motor oil at the James Sollick property, intersection of State Route 187 and Moody Road, Wyalusing, PA 18853. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 24, 2011.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Pennsylvania Timber LLC Property**, Ridgway Township, **Elk County**. Geosyntec Consultants, 600 W. Germantown Pike, Suite 400, Plymouth Meeting, PA 19462 on behalf of Pennsylvania Timber, LLC, 600 Atlantic Avenue, Boston, MA 02210 has submitted a Final Report concerning the remediation of site soils contaminated with benzene, toluene, ethylbenzene, methyl tertiary butyl ether, naphthalene, 1,3,5-trimethylbenzene, 1,2,4-trimethylbenzene, and cumene (isopropylene). The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 17, 2011.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**PA0000453084. Bethlehem Apparatus Company, Inc.**, 890 Front Street, Hellertown, PA 18055. A permit renewing the term of Bethlehem Apparatus's permit for the receipt, storage and treatment of approved hazardous waste at this hazardous waste storage facility, located in the City of Bethlehem, **Northampton County**, which recycles/reclaims mercury from mercury bearing hazardous waste. This permit is for waste receiving areas and treatment areas that are completely enclosed within a structure designed to provide control of the material and shielding from the wind and weather. The permit was issued in the Regional Office on June 16, 2011; and it will expire on June 16, 2021.

#### Draft permits issued under the Solid Waste Management Act and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit Application No. PAR000522326. Zambelli Fireworks Manufacturing Co.**, 782 Garner Road, Edinburg, PA 16116-5114, Mahoning Township, **Lawrence County**. A new RCRA Part B Hazardous Waste TSD permit for the thermal treatment (open burning) of waste fireworks. The Draft permit was issued on July 1, 2011.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**General Permit Registration No. WMGR123NC003. EOG Resources, Inc.**, McGeorge Road, Lawerance, PA 16830. Registration to operate under General Permit No. WMGR123 for treatment and reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on June 27, 2011.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Approved Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR017D011. Municipal Authority of the Borough of Minersville**, 2 East Sunbury Street, Minersville, PA 17954.

The general permit WMGR017D011 is for the beneficial use of drinking water treatment plant sludge as a soil additive on agricultural lands. The drinking water treatment plant sludge is generated at the Minersville Water Treatment Plant, located in Cass Township, **Schuylkill County**. Central Office approved the determination of applicability on June 30, 2011.

Persons interested in reviewing the general permit may contact C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and Waste Management, P. O. Box



8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit(s) issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit Application No. 300610. Craftmaster Manufacturing, Inc.** P. O. Box 311, Shiner Road, Towanda, PA 18848. A ten year permit renewal for the Craftmaster captive residual waste landfill located in Wysox Township, **Bradford County**, was issued by the Williamsport Regional Office on June 23, 2011.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**48-329-012GP9: Voltaix LLC** (197 Meister Avenue, Branchburgh, NJ 08876) on June 23, 2011, to construct and operate two (2) IC engines at the site located in Upper Mt. Bethel Township, **Northampton County**.

**40-399-073GP2: Gulf Oil Limited Partnership** (100 Crossing Boulevard, Framingham, MA 01702) on June 23, 2011, to install an internal floating roof on tank No. 7 at their site in Pittston Township, **Luzerne County**.

**58-310-041GP3: Tri City Highway Products Inc.** (145 Podpadic Road, Richmondville, NY 12149-2205) on June 29, 2011, for construction and operation of a Portable Crushing Operation with watersprays at the Onyon Site located in New Milford Twp., **Susquehanna County**.

**58-329-033GP9: Tri City Highway Products, Inc.** (145 Podpadic Road, Richmondville, NY 12149-2205) on June 29, 2011 for the installation and operation of Diesel I/C engines at the Onyon Site located in New Milford Twp., **Susquehanna County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP5-08-343B: Talisman Energy USA, Inc.** (50 Penwood Place, Warrendale, PA 15086) on June 14, 2011, to

construct and operate twelve (12) Caterpillar model G3516B lean-burn natural gas-fired compressor engines each rated at 1,380 brake horsepower to be equipped with Miratech model IQ-26-12-EH1 oxidation catalyst, two (2) 60 MMscf/day NATCO dehydrators and one (1) 208 brake horsepower, Generac model QT130A, natural gas-fired emergency generator pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at their Cole Compressor Station in Columbia Township, **Bradford County**.

**GP9-41-647B: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405-2886) on June 27, 2011, to construct and operate one 300 hp C-9 Caterpillar diesel-fired engine pursuant to the General Plan Approval and /or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines, at the Minnier Quarry in McNett Township, **Lycoming County**.

**GP3-41-647B: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405-2886) on June 27, 2011, to construct and operate a portable non-metallic mineral crusher pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Minnier Quarry facility in McNett Township, **Lycoming County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-65-00979E: Laurel Mountain Midstream, LLC** (1605 Coraopolis Heights Rd., Moon Township, PA 15108) on June 28, 2011, for installation and operation of five new natural gas-fired compressor engines rated at 1,380 bhp each and controlled by oxidation catalysts, one triethylene glycol dehydrator, and three produced water tanks under GP-5 for natural gas production at the Herminie Compressor Station, located in West Newton Borough, **Westmoreland County**. A total of eight compressor engines are authorized for operation at this site.

**GP5-30-00206: Coal Gas Recovery, LLC.** (158, Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on June 28, 2011, for installation and operation of one (1) new coal bed methane gas-fired compressor engine rated at 425 bhp at their DFM-10 Compressor Station located in Center Township **Greene County**, PA. One (1) compressor engine is authorized for operation at this site.

**GP5-30-00205: Coal Gas Recovery, LLC.** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on June 29, 2011, for installation and operation of one (1) new coal bed methane gas-fired compressor engine rated at 425 bhp at their DD-21/22 Compressor Station located in Franklin Township **Greene County**, PA. One (1) compressor engine is authorized for operation at this site.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP5-42-210C: Seneca Resources Corp.—Halsey Pipe Yard Station** (51 Zents Boulevard, Brookville, PA 15825) for operation of a natural gas fired compressor engine (BAQ-GPA/GP-5) in Sergeant Township, **McKean County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**22-05041A: The Hershey Co.** (1033 Old West Chocolate Avenue, Hershey, PA 17033) on June 29, 2011, for the relocation of almond roasting operations to the West Plant, located in Derry Township, **Dauphin County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**19-00006D: Del Monte Foods** (6670 Low Street, Bloomsburg, PA 17815) on June 16, 2011, to construct two (2) vertical coolers and install independent wet centrifugal collectors to control the air contaminant emissions from the coolers at their Bloomsburg facility located in South Centre Township, **Columbia County**. The respective facility is a major facility for which a Title V operating permit 19-00006 has been issued.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**63-00922B: Robinson Power Co., LLC** (PO Box 127, 563 Route 18, Burgettstown, PA 15021) for construction of a Gas Turbine Power Generating Facility, in Robinson Township, **Washington County**.

In accordance with 25 Pa. Code § 127.51 that on June 30, 2011, Pennsylvania Department of Environmental Protection (PADEP) issued an Air Quality Plan Approval to Robinson Power Company LLC to authorize the construction of a Gas Turbine Power Generating Facility, in Robinson Township, Washington County.

The proposed facility will consist of: a gas-fired, combined cycle, GE frame 7EA gas turbine, a heat recovery steam generator (HRSG) with a duct burner, a steam turbine generator, condenser, and auxiliary equipment—a diesel powered fire water pump and a cooling tower. The gas and steam turbines will generate 82.3 MW and 65.5 MW, respectively, for a total of 147.8 MW. Robinson proposes to utilize locally available Marcellus Shale gas consisting of a mixture of methane and ethane.

The proposed facility is subject to the applicable requirements of 25 PA Code, Chapters 121 through 145, 40 CFR Part 60, Subparts KKKK and IIII, (related to standards of performance for Stationary Combustion Turbines and Stationary Compression Internal Combustion Engines), 40 CFR Parts 72 through 78 (related to acid rain), and 25 PA Code Chapter 145 (related to the NOx budget program). The Department believes that the facility will meet these requirements by complying with the emission limitation, testing, monitoring, recordkeeping, reporting and work practice standards established in the proposed Plan Approval.

Annual emissions from this facility will not exceed 30 tons oxides of nitrogen (NOx), 80 tons of carbon monoxide (CO), 30 tons of non-methane organic compounds

(NMOCs), 5 tons of sulfur dioxide (SO<sub>2</sub>), 30 tons of particulate matter less than 10 microns in size (PM<sub>10</sub>), 0.4 tons formaldehyde, 5 tons of all HAPs (hazardous air pollutants) and 620,000 tons of carbon dioxide equivalents (CO<sub>2</sub>e).

In accordance with PA Code Title 25 § 127.1, the Department has determined that best available technology (BAT) for the turbine/HRSG/duct burner includes the use of gas as a fuel, good combustion practices, dry low NOx combustors, low NOx burners, selective catalytic reduction (SCR) and catalytic oxidation (CatOx). BAT for the diesel-fired fire water pump is the use of ultra low sulfur diesel fuel, limitations on hours of operation and compliance with 60 CFR 60, Subpart IIII. BAT for the cooling tower is the use of a source designed to minimize drift to less than 0.0005%, and control of the solids content of the cooling tower fluid through testing and appropriate purge/makeup.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-025R: General Electric Transportation—Erie Plant** (2901 East Lake Road, Building 9-201, Erie, PA 16531) on June 21, 2011, to construct a new paint booth in Building 6 in Lawrence Park Township, **Erie County**. This is a Title V facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0112E: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) on June 24, 2011, to operate the reactivation of two resin reactors in Skippack Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**38-05023C: Pennsy Supply, Inc.** (1 Clear Spring Road, Suite 1, Annville, PA 17003) on June 29, 2011, for their Source ID 401 hot mix asphalt plant at the Prescott in South Lebanon Township, **Lebanon County**. The plan approval was extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**26-00573A: (Johnson Matthey, Inc.,** 605 Mountain View Dr., Smithfield, PA 15478) plan approval modification is effective June 28, 2011 to memorialize the production oven's potential to emit through production and emission limitations on the production oven at their catalyst production facility located in Smithfield Borough, **Fayette County**.



**2-00055F: (EME Homer City Generation, LP,** 1750 Power Plant Rd., Homer City, PA 15748) on June 30, 2011, as a result of equipment startup, to establish the 180-day period of temporary operation of the distillate oil-fired auxiliary boiler authorized under plan approval PA-32-00055F, until October 4, 2011, at Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00030: Swarthmore College** (500 College Avenue, Swarthmore, PA 19081) on June 21, 2011, for renewal of the Title V Operating Permit in Swarthmore Borough, **Delaware County**. The initial permit was issued on 04-30-2001 and was renewed on 06-06-2006. The facility is a university campus that operates boilers and emergency generators. As a result of potential emissions of nitrogen oxides (NOx), the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The renewal incorporates the provisions from Plan Approval Nos. 23-0030 and 23-0030A and contains all applicable requirements including monitoring, recordkeeping and reporting. The changes in the renewed Title V Operating Renewal are considered minor and will not result in an increase of emissions.

**46-00091: Sunoco Partners Market & Term LP** (4041 Market Street, Aston, PA 19014) on June 23, 2011, for the renewal Title V Operating Permit at 3920 Sunset Lane, Upper Moreland Township, **Montgomery County**. The initial permit was issued on July 19, 1999. The facility is a gasoline and fuel oil distribution station. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is subject to CAM (40 CFR Part 64) at this time. The facility is subject to 40 CFR 63 Subpart BBBBBB with a compliance date of January 10, 2011. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**28-05034: Grove US, LLC** (1565 Buchanan Trail E, Shady Grove, PA 17256) on June 23, 2011, for their chrome plating facility in Quincy Township, **Franklin County**. The State-only permit was renewed.

**36-03161: Compass Quarries Inc.—DBA Independence Construction Materials** (PO Box 130, 47 McIlvaine Road, Paradise, PA 17562) on June 24, 2011, for their stone crushing plant in Paradise Township, **Lancaster County**. The State-only permit was renewed.

**06-03075: VF Factory Outlet, Inc.** (801 Hill Avenue, Wyomissing, PA 19610-3026) on June 24, 2011, for their shopping complex boiler plant in Wyomissing Borough, **Berks County**. The State-only permit was renewed.

**36-03066: Perdue Agricultural Commodities Marketing Assoc., Inc.** (1609 River Road, Marietta, PA 17547-9504) on June 28, 2011, for their grain handling and storage facility in East Donegal Township, **Lancaster County**. The State-only permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**37-00319: Three Rivers Aggregate LLC—Wampum Plant—Ennstone, Inc.** (3118 Wampum Road, Wampum, PA 16157) on June 28, 2011, for a Natural Minor Permit to operate sand and gravel processing plant in North Beaver Township, **Lawrence County**. The sources include crushers, screens, conveyors, storage piles and a diesel generator. The facility is natural minor because the emission of the pollutants is less than the Title V threshold limit and there is a previous plan approval. The mineral processing equipments are subject to 40 CFR Part 60 Subpart OOO and Diesel generator is subject to 40 CFR Part 63, Subpart ZZZZ.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**S11-004: The Wistar Institute.** (3601 Spruce Street, Philadelphia, PA 19104) on June 26, 2011, for operation of a biomedical research facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes three 448 Hp boilers and five emergency generators.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00132: Lansdale Crematory, Inc.** (701 Derstine Avenue, Lansdale, PA 19446-0646) on June 21, 2011, for operation of three (3) units of human crematoriums in Lansdale Borough, **Montgomery County**. This non-Title V (State-only) Operating Permit was administratively amended to address a change in ownership. The company name remains unchanged. The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code § 127.450.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

### Coal Permits Actions

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**32070105 and NPDES No. PA0262412. Bedrock Mines, LP,** 111 Freeport Road, Pittsburgh, PA 15215, revision of an existing bituminous surface mine to add 5.2 acres to the permit area in Washington Township, **Indiana County**, affecting 35.0 acres changing it to 40.2 acres. Receiving stream(s): South Branch Plum Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 28, 2010. Permit issued: June 23, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17900143 and NPDES No. PA0206458. Waroquier Coal Co.** (P. O. Box 128, 3056 Washington Ave., Clearfield, PA 16830). Transfer of an existing bituminous surface mine from TDK Coal Sales, Inc. located in Penn and Brady Townships, **Clearfield County** affecting 342.5 acres. Receiving streams: Irish Run and an unnamed tributary to Irish Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 7, 2011. Permit issued: June 21, 2011.

**17970102 and NPDES No. PA0220558. EnerCorp, Inc.** (1686 Allport Cutoff, Morrisdale, PA 16858). Revision to an existing bituminous surface mine located in Graham Township, **Clearfield County** affecting 56.3 acres. This revision is for a permit boundary adjustment and stream variance. Receiving streams: Alder Run and Flat Run both classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: May 6, 2011. Permit issued: June 22, 2011.

**17050103 and NPDES No. PA0256196. RAMM Coal, Inc.** (1902 Spruce Hill Road, Rockton, PA 15856). Renewal for the continued operation of an existing bituminous surface mine located in Brady Township, **Clearfield County** affecting 49.1 acres. Receiving stream: unnamed tributary to Little Anderson Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 27, 2011. Permit issued: June 21, 2011.

**17100101 and NPDES No. PA0257265. Waroquier Coal Co.** (P. O. Box 128, 3056 Washington Ave., Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface and auger mine located in Lawrence Township, **Clearfield County** affecting 115.0 acres. Receiving streams: Clearfield Creek and Laurel Run classified for cold water fishery and high quality respectively. There are no potable water supply intakes within 10 miles downstream. Application received: January 13, 2010. Permit issued: June 21, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**40111101GP104. Mineral Reclamation, LLC,** (P. O. Box 866, Pittston, PA 18640), General NPDES Permit for stormwater discharges associated with mining activities on Exploration No. 40111101 in Hanover Township, **Luzerne County**, receiving stream: Susquehanna River. Application received: March 28, 2011. Permit issued: June 28, 2011.

**54931601C2. Sherman Coal Co., Inc.,** (P. O. Box 93, Elysburg, PA 17824), correction to an existing anthracite coal preparation plant in Frailey Township, **Schuylkill County** to increase the acreage from 9.9 to 14.2 acres, receiving stream: Middle Creek. Application received: December 7, 2010. Correction issued: June 28, 2011.

**54931601GP104. Sherman Coal Co., Inc.,** (P. O. Box 93, Elysburg, PA 17824), General NPDES Permit for stormwater discharges associated with mining activities on SMP No. 54931601 in Frailey Township, **Schuylkill County**, receiving stream: Middle Creek. Application received: February 28, 2011. Permit issued: June 28, 2011.

### Noncoal Permits Actions

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**61100303 and NPDES Permit No. PA0258881. Bedrock Mines, LP** (111 Freeport Road, Aspinwall, PA 15215) Commencement, operation and restoration of a large industrial mineral mine in Irwin Township, **Venango County** affecting 22.5 acres. Receiving streams: Two unnamed tributaries to Scrubgrass Creek. Application received: May 19, 2010. Permit Issued: June 28, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08100301 and NPDES No. PA0257303. M.R. Dirt, Inc.** (RR 2, Box 147, Towanda, PA 18848). Commencement, operation and restoration of a large industrial mineral surface mine (overburden, shale/bluestone) located in Asylum Township, **Bradford County** affecting 20.0 acres. Receiving streams: unnamed tributary to Bennetts Creek and Bennetts Creek to the Susquehanna River classified for warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 8, 2010. Permit issued: June 21, 2011.

**59050301 and NPDES No. PA0256170. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16804). Permit boundary change to add 3.0 acres for extracting noncoal minerals (sand and gravel) on an existing large industrial mineral mine located in Lawrence Township, **Tioga County** affecting 41.6 acres. Receiving streams: Mutton Lane Creek to the Tioga River classified as warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: January 24, 2011. Permit issued: June 22, 2011.



*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**8274SM1C3 and NPDES Permit No. PA0595705. ICM of Pennsylvania, Inc.**, (638 Lancaster Avenue, Malvern, PA 19355), depth correction to an existing quarry operation in Manheim and Upper Leacock Townships, **Lancaster County** affecting 71.75 acres, receiving stream: Conestoga River. Application received: June 3, 2010. Correction issued: June 29, 2011.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**30114003. Fayette Coal & Coke, Inc.** (195 Enterprise Lane, Connellsville, PA 15425). Blasting activity permit for the construction of the Kovach ESPGP-1, to conduct seismic activity located in Monongahela Township, **Greene County**. The duration of blasting is expected to last 60 days. Blasting permit issued: June 27, 2011.

**65114005. Allied Waste Services** (234 Landfill Road, Scottdale, PA 15683). Blasting activity permit for construction at the Green Ridge Landfill, located in East Huntingdon Township, **Westmoreland County**. The duration of blasting is expected to last for one year. Blasting permit issued: June 27, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08114119. Midstream Explosives LLC** (289 Southside Drive, Newville, PA 17241-8951). Construction blasting for a pipeline located in Stevens and Pike Townships, **Bradford County**. Permit issued: June 22, 2011. Permit expires: June 14, 2012.

**08114120. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for a pipeline located in Stevens and Herrick Townships, **Bradford County**. Permit issued: June 28, 2011. Permit expires: December 31, 2011.

**57114106. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for construction of a renewable energy plant located at the **Sullivan County** Elementary School located in Laporte Borough, Sullivan County. Permit issued: June 28, 2011. Permit expires: August 30, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**09114105. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for The Ridings at Folly Farm in Warrington Township, **Bucks County** with an expiration date of June 20, 2012. Permit issued: June 27, 2011.

**23114103. American Infrastructure, Inc.**, (P. O. Box 98, Worcester, PA 19490), construction blasting for Llanerch Quarry in Haverford Township, **Delaware County** with an expiration date of February 15, 2012. Permit issued: June 27, 2011.

**66114112. Midstream Explosives, LLC**, (289 Southside Drive, Newville, PA 17241), construction blasting for Bowyanski Constable Pipeline in Auburn and Meshoppen Townships, **Susquehanna** and **Wyoming Counties** with an expiration date of June 16, 2012. Permit issued: June 27, 2011.

**36114139. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Penn Crossing in Manheim Township, **Lancaster County** with an expiration date of June 24, 2012. Permit issued: June 28, 2011.

**36114140. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Daryl Heller dwelling in East Hempfield Township, **Lancaster County** with an expiration date of October 30, 2011. Permit issued: June 28, 2011.

**35114001. John Brainard**, (3978 State Route 2073, Kingsley, PA 18826) and Mike Kipar, (6005 State Route 267, Meshoppen, PA 18630), construction blasting for the Heavy Mike Baleyard in Benton Township, **Lackawanna County** with an expiration date of July 1, 2012. Permit issued: June 29, 2011.

**66114003. John Brainard**, (3978 State Route 2073, Kingsley, PA 18826) and Mike Kipar, (6005 State Route 267, Meshoppen, PA 18630), construction blasting for the Ankema Pad in Meshoppen Township, **Wyoming County** with an expiration date of July 1, 2012. Permit issued: June 29, 2011.

**06114104. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Floyd Martin Manure Pit in Marion Township, **Berks County** with an expiration date of July 30, 2011. Permit issued: June 29, 2011.

**06114105. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting at Western Berks Landfill in Cumru Township, **Berks County** with an expiration date of July 1, 2012. Permit issued: June 29, 2011.

**38114112. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Weiler Poultry in Jackston Township, **Lebanon County** with an expiration date of June 15, 2012. Permit issued: June 29, 2011.

**46114105. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Regency at Providence in Upper Providence Township, **Montgomery County** with an expiration date of June 24, 2012. Permit issued: June 29, 2011.

**48114110. Austin Powder Northeast, LLC**, (25800 Science Park Drive, Beachwood, OH 44122), construction blasting for Eagles Landing in Nazareth Borough, **Northampton County** with an expiration date of June 29, 2012. Permit issued: June 29, 2011.

**67114107. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Red Lion Schuylkill District Ball Fields in York Township, **York County** with an expiration date of June 30, 2012. Permit issued: June 29, 2011.

**45114115. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Sciota Properties, LLC in Hamilton Township, **Monroe County** with an expiration date of June 30, 2012. Permit issued: June 30, 2011.

**36114141. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Landisville Intermediate Unit in East Hempfield Town-

ship, **Lancaster County** with an expiration date of June 28, 2012. Permit issued: July 1, 2011.

**36114142. Maine Drilling & Blasting**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Stevens Avenue Pump Station in Lancaster City, **Lancaster County** with an expiration date of June 28, 2012. Permit issued: July 1, 2011.

**58114116. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Tunkhannock Surface Water Withdrawal Pipeline in Lenox Township, **Susquehanna County** with an expiration date of December 31, 2011. Permit issued: July 1, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501–508 and 701–704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-012: Talisman Energy USA, Inc.**, 337 Daniel Zenker Drive Horseheads, NY 14845, Granville Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 10 inch diameter natural gas line, a 6 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Wallace Brook (CWF-MF) impacting 27 linear feet of stream and impacting 17,277 square feet of adjacent Palustrine Emergent Wetland (PEM) (Canton, PA Quadrangle, Latitude: 41°41'44", Longitude: -76°45'09");

2. a 10 inch diameter natural gas line, a 6 inch diameter waterline and a temporary 16 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 262 square feet of wetland (Canton, PA Quadrangle, Latitude: 41°41'41", Longitude: -76°45'32");

3. a 10 inch diameter natural gas line, a 6 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Wallace (CWF-MF) impacting 25 linear feet of stream (Canton, PA Quadrangle, Latitude: 41°41'36", Longitude: -76°46'01");

4. a 10 inch diameter natural gas line, a 6 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Wallace (CWF-MF) impacting 10 linear feet of stream (Canton, PA Quadrangle, Latitude: 41°41'36", Longitude: -76°46'02");

5. a 10 inch diameter natural gas line, a 6 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Wallace Brook (CWF-MF) impacting 27 linear feet of stream and impacting 17,277 square feet of adjacent Palustrine Emergent Wetland (PEM) (Canton, PA Quadrangle, Latitude: 41°41'35", Longitude: -76°46'08");

6. a 10 inch diameter natural gas line, a 6 inch diameter waterline and a temporary 16 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 1,251 square feet of wetland (Canton, PA Quadrangle, Latitude: 41°41'34", Longitude: -76°46'14");

7. a 10 inch diameter natural gas line and a 6 inch diameter waterline across a Palustrine Emergent Wetland (PEM) impacting 773 square feet of wetland (Canton, PA Quadrangle, Latitude: 41°41'34", Longitude: -76°46'14");

8. a 10 inch diameter natural gas line, a 6 inch diameter waterline and a temporary 16 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 1,322 square feet of wetland (Canton, PA Quadrangle, Latitude: 41°41'50", Longitude: -76°45'53");

9. a 10 inch diameter natural gas line, a 6 inch diameter waterline and a temporary 16 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 3,527 square feet of wetland (Canton, PA Quadrangle, Latitude: 41°41'49", Longitude: -76°45'55");

10. a 10 inch diameter natural gas line, a 6 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Wallace (CWF-MF) impacting 25 linear feet of stream (Canton, PA Quadrangle, Latitude: 41°41'36", Longitude: -76°46'01");

The project will result in 116 linear feet of temporary stream impacts and 36,428 square feet (0.84 acres) of



PEM wetland impact all for the purpose of installing a natural gas pipeline and a waterline with associated access roadways.

**E0829-010. Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Wilnot Township, **Bradford County**, ACOE Baltimore District.

To construct and maintain a 10' x 4' Box Culvert with a length of 50 feet embedded 6 inches into the stream bed with outlet protection of R-5 rock across unnamed tributary to Sugar Run (CWF,MF), for the purpose of providing access to a well pad. The project is located off of Wood Road approximately 1,318 feet from the intersection of Wood Road and Ross Road (Colley, PA N: 21.0 inches, W: 5.2 inches, Latitude: 41°36'54.31", Longitude -76°17'16.24") in Overton Township, Bradford County.

**E5729-009: Chesapeake Appalachia, LLC**, 101 N. Main Street, Athens, PA 18810, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 1887 square feet of a palustrine emergent (PEM) wetland (Overton Quadrangle 41°30'23"N 76°36'53"W),

(2) two 16.0 inch diameter temporary water lines impacting 447 square feet of a palustrine emergent (PEM) wetland and 1 linear foot of an unnamed tributary to Blackwater Run (EV) adjacent to state route 154 (Overton Quadrangle 41°30'30"N 76°37'11"W),

(3) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 2862 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°30'32"N 76°37'45"W),

(4) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Kings Creek (EV) impacting 15 linear feet (Shunk Quadrangle 41°30'33"N 76°37'47"W),

(5) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across Kings Creek (EV) impacting 19 linear feet adjacent to state route 154 (Shunk Quadrangle 41°30'39"N 76°37'53"W).

The project will result in 35 linear feet of temporary stream impacts and 5196 square feet of wetland impacts from water lines and temporary mat crossings. These crossings will accumulate a total of 0.01 acres of water-course impacts and 0.12 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

**E5729-011: Chesapeake Appalachia, LLC**, 101 N. Main Street, Athens, PA 18810, Elkland & Fox Townships, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Elk Creek (EV) impacting 2 linear feet (Shunk Quadrangle 41°33'32"N 76°41'01"W),

(2) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 2639 square feet of a palustrine scrub-shrub (PSS) wetland (Shunk Quadrangle 41°33'34"N 76°41'16"W),

(3) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 769 square feet of a palustrine emergent (PEM) wetland (Shunk Quadrangle 41°33'39"N 76°41'25"W),

(4) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Elk Creek (EV) impacting 10 linear feet (Shunk Quadrangle 41°31'52"N 76°41'39"W),

(5) two 16.0 inch diameter temporary water lines over an existing culvert across an unnamed tributary to Porter Creek (EV) impacting 2 linear feet (Shunk Quadrangle 41°33'46"N 76°42'02"W),

(6) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 670 square feet of a palustrine emergent (PEM) wetland (Shunk Quadrangle 41°33'45"N 76°42'03"W),

(7) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 4553 square feet of a palustrine forested (PFO) wetland (Shunk Quadrangle 41°33'45"N 76°42'07"W),

(8) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Porter Creek (EV) impacting 3 linear feet (Shunk Quadrangle 41°33'47"N 76°42'17"W),

(9) two 16.0 inch diameter temporary water lines across an unnamed tributary to Porter Creek (EV) impacting 2 linear feet (Shunk Quadrangle 41°33'56"N 76°42'18"W),

(10) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 5256 square feet of palustrine emergent (PEM) wetland adjacent to the intersection of Roland Road and North Street (Shunk Quadrangle 41°34'01"N 76°42'20"W),

(11) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 1505 square feet of a palustrine scrub shrub (PSS) wetland (Shunk Quadrangle 41°34'10"N 76°42'29"W),

(12) two 16.0 inch diameter temporary water lines over an existing culvert across an unnamed tributary to Porter Creek (EV) impacting 2 linear feet (Shunk Quadrangle 41°34'13"N 76°42'30"W),

(13) two 16.0 inch diameter temporary water lines over an existing culvert across an unnamed tributary to Porter Creek (EV) impacting 2 linear feet (Shunk Quadrangle 41°34'14"N 76°42'28"W),

(14) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Porter Creek (EV) impacting 1 linear foot (Shunk Quadrangle 41°34'14"N 76°42'28"W),

(15) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Porter Creek (EV) impacting 1 linear foot (Shunk Quadrangle 41°34'19"N 76°42'25"W),

(16) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Porter Creek (EV) impacting 6 linear feet (Shunk Quadrangle 41°34'25"N 76°42'48"W),

(17) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 2981 square feet of a palustrine forested (PFO) wetland (Shunk Quadrangle 41°34'23"N 76°43'5"W),

(18) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Porter Creek (EV) impacting 1 linear foot (Shunk Quadrangle 41°34'23"N 76°43'20"W),

(19) two 16.0 inch diameter temporary water lines over an existing culvert across an unnamed tributary to Porter Creek (EV) impacting 4 linear feet (Shunk Quadrangle 41°33'27"N 76°43'57"W).

The project will result in 36 linear feet of temporary stream impacts and 18373 square feet of wetland impacts from water lines and temporary mat crossings. These crossings will accumulate a total of 0.01 acres of water-course impacts and 0.42 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

**E5929-008: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using 20 foot long, 24 inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 334 square feet of an agricultural erosional feature (UNT) to Brion Creek (HQ-CWF) (Liberty, PA Quadrangle 41°34'55.77"N 77°02'23.18"W);

2) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 131 square feet of an agricultural erosional feature (UNT) to Brion Creek (HQ-CWF) (Liberty, PA Quadrangle 41°34'56.26" N 77°02'23.21"W);

3) a temporary road crossing using a 20 foot long, 21 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 429 square feet of an unnamed tributary (UNT) to Brion Creek (HQ-CWF) (Liberty, PA Quadrangle 41°34'59.91"N 77°02'59.58"W);

4) a temporary road crossing using 20 foot long, 60 inch diameter corrugated metal pipes, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 742 square feet of Brion Creek (HQ-CWF) (Liberty, PA Quadrangle 41°35'00.16"N 77°03'09.59"W);

5) an 8 inch diameter natural gas gathering line and a 10 inch diameter fresh waterline impacting 11 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'41.27"N 77°01'53.11W);

6) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 1,840 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'45.41"N 77°01'57.26"W);

7) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 3,796 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'59.67"N 77°02'28.29"W);

8) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 1,236 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'59.38"N 77°02'30.42"W);

9) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 5,093 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'59.32"N 77°02'54.96"W);

10) two temporary road crossings using a wood mat bridge, two 8 inch diameter natural gas gathering lines, and two 10 inch diameter fresh waterlines impacting

6,475 square feet of an exceptional value palustrine emergent/palustrine scrub-shrub (EV-PEM/PSS) wetland (Liberty, PA Quadrangle 41°35'00.23"N 77°03'10.17"W);

11) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 4,649 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'00.24"N 77°03'12.60"W);

12) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 895 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'59.93"N 77°03'14.94"W);

13) a temporary road crossing using a wood mat bridge impacting 498 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'00.69"N 77°03'22.30"W);

14) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, and a 10 inch diameter fresh waterline impacting 432 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°35'00.44"N 77°03'27.14"W);

The project will result in 43 linear feet of temporary stream impacts and a total of 24,935 square feet (0.572 acres) of temporary wetland impacts all for the purpose of installing a natural gas gathering line, fresh waterline, and associated access roadways.

**E5929-010: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Shippen Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) A temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2 - 4 inch diameter water lines impacting 1,200 square feet of an unnamed tributary (UNT) to the East Branch of Stony Fork (CWF) (Tiadaghton, PA Quadrangle 41°42'14"N 77°24'25"W);

2) A temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2 - 4 inch diameter water lines impacting 895 square feet of an exceptional value, 10-acre palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°42'8" N 77°24'18"W).

The project will result in 24 linear feet of temporary stream impacts, and 895 square feet (0.02 acres) of temporary wetland impacts, all for the purpose of installing natural gas gathering lines, a fresh waterline, and associated access roadways.

**E5929-011: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Rutland and Jackson Townships, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 227 square feet of an unnamed tributary (UNT) to Painter Run (CWF) (Jackson Summit, PA Quadrangle 41°54'12.96" N -77°01'44.22" W);

2) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable



impacting 292 square feet of an erosional feature (Jackson Summit, PA Quadrangle 41°54'45.83" N -77°01'52.03" W);

3) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 405 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°55'37.45" N -77°02'19.57" W);

4) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 93 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°55'40.08 N -77°02'21.88" W);

5) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 194 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°55'42.67 N -77°02'23.78" W);

6) a temporary road crossing using 20 foot long, 42 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 314 square feet of Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°56'12.41" N -77°02'29.44" W);

7) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 956 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°56'37.46" N -77°02'17.41" W);

8) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 373 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°57'06.05" N -77°02'02.40" W);

9) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 2,277 square feet of a palustrine forested (PFO) wetland (Jackson Summit, PA Quadrangle 41°54'31.54" N -77°01'49.04" W);

10) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 424 square feet of a palustrine forested (PFO) wetland (Jackson Summit, PA Quadrangle 41°54'54.18" N -77°01'58.01" W);

11) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 3,857 square feet of a palustrine forested (PFO) wetland (Jackson Summit, PA Quadrangle 41°54'56.56" N -77°02'01.00" W);

12) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh

waterline, and a fiber optic cable impacting 2,066 square feet of a palustrine forested (PFO) wetland (Jackson Summit, PA Quadrangle 41°55'15.35" N -77°02'12.08" W);

13) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 440 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°56'05.78" N -77°02'29.04" W);

14) a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 901 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°56'12.98" N -77°02'29.36" W);

15) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 12,811 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°56'53.81" N -77°02'08.59" W);

16) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 1,287 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°57'18.76" N -77°02'01.36" W);

17) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 6,526 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°58'09.88" N -77°02'09.64" W);

18) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 2,542 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°58'20.93" N -77°02'10.61" W);

The project will result in 62 linear feet of temporary stream impacts, 24,507 square feet (0.563 acres) of temporary wetland impacts, and 8,624 square feet (0.198 acres) of permanent wetland impacts all for the purpose of installing natural gas gathering lines, a fresh waterline, a fiber optic cable, and associated access roadways.

**E5929-012: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 3,881 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Cherry Flats, PA Quadrangle 41°44'57.01"N -77°11'31.99"W);

The project will result in a total of 3,881 square feet (0.09 acres) of temporary wetland impacts for the purpose of installing a natural gas gathering line, fresh waterline, fiber optic cable, and associated access roadways.

**E5829-003. Laser Northeast Gathering Company, LLC**; 333 Clay Street, Suite 4500, Houston, TX 77002-4102; Liberty, Franklin, Silver Lake, Forest Lake and Middletown Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of Palustrine

Scrub Shrub (PSS) Wetland (Franklin Forks, PA Quadrangle N 41°55'57.57" Lat., W -75°51'55.76" Long.),

2) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 13.5 linear feet of an UNT Silver Creek (Chap. 93 CWF) (Franklin Forks, PA Quadrangle N 41°55'47.82" Lat., W -75°52'9.70" Long.),

3) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 13.1 linear feet of an UNT Silver Creek (Chap. 93 CWF) (Franklin Forks, PA Quadrangle N 41°55'46.42" Lat., W -75°52'11.03" Long.),

4) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 9.3 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF); (Franklin Forks, PA Quadrangle N 41°55'35.58" Lat., W -75°52'30.54" Long.),

5) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 9.6 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°55'34.75" Lat., W -75°52'30.97" Long.),

6) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Forested (PFO) Wetland (Laurel Lake, PA Quadrangle N 41°55'34.00" Lat., W -75°52'31.40" Long.),

7) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 5 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°55'15.35" Lat., W -75°52'48.65" Long.),

8) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 3.1 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°55'13.62" Lat., W -75°52'59.30" Long.),

9) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 6.8 linear feet of an UNT Silver Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°55'13.91" Lat., W -75°53'5.10" Long.),

10) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 14.4 linear feet of an UNT Laurel Lake, PA Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°55'14.60" Lat., W -75°53'33.72" Long.),

11) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 36.1 linear feet of Laurel Lake, PA Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°55'14.56" Lat., W -75°53'35.92" Long.),

12) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Laurel Lake, PA Quadrangle N 41°55'11.57" Lat., W -75°54'1.66" Long.),

13) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Laurel Lake, PA Quadrangle N 41°55'11.35" Lat., W -75°54'6.08" Long.),

14) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 6.3 linear feet of an UNT Silver Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°55'11.17" Lat., W -75°54'11.16" Long.),

15) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 4.8 linear feet of an Intermittent UNT Silver Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°55'11.03" Lat., W -75°54'13.28" Long.),

16) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 6.4 linear feet of an UNT Silver Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°55'9.84" Lat., W -75°54'37.08" Long.),

17) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Laurel Lake, PA Quadrangle N 41°54'58.75" Lat., W -75°55'12.65" Long.),

18) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres crossing of a Palustrine Emergent (PEM) Wetland (Laurel Lake, PA Quadrangle N 41°54'57.60" Lat., W -75°55'14.66" Long.),

19) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of an Palustrine Emergent (PEM) Wetland (Laurel Lake, PA Quadrangle N 41°54'58.10" Lat., W -75°55'15.78" Long.),

20) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Laurel Lake, PA Topographic Quadrangle N 41°54'57.06" Lat., W -75°55'19.56" Long.),

21) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 18.9 linear feet of Silver Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°54'57.85" Lat., W -75°55'46.38" Long.),

22) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Forested (PFO) Wetland (Laurel Lake, PA Quadrangle N 41°54'58.46" Lat., W -75°55'58.37" Long.),

23) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Forested (PFO) Wetland (Laurel Lake, PA Quadrangle N 41°54'58.28" Lat., W -75°56'0.56" Long.),

24) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) and Forested (PFO) Wetland (Laurel Lake, PA Quadrangle N 41°54'58.32" Lat., W -75°56'3.047" Long.),

25) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 15 linear feet of an UNT Silver Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°54'48.82" Lat., W -75°56'9.71" Long.),

26) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Laurel Lake, PA Quadrangle N 41°54'7.96" Lat., W -75°57'29.20" Long.),

27) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Laurel Lake, PA Quadrangle N 41°53'50.35" Lat., W -75°57'30.28" Long.),

28) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Laurel Lake, PA Quadrangle N 41°53'43.51" Lat., W -75°57'35.57" Long.),

29) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland; (Laurel Lake, PA Quadrangle N 41°53'40.70" Lat., W -75°57'40.61" Long.),

30) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Laurel Lake, PA Quadrangle N 41°53'43.87" Lat., W -75°57'55.55" Long.),

31) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Laurel Lake, PA Quadrangle N 41°53'38.76" Lat., W -75°58'13.62" Long.),

32) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 8.1 linear feet of an Intermittent



UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°52'52.68" Lat., W -75°59'13.31" Long.),

33) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 23.3 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°52'53.08" Lat., W -75°59'16.91" Long.),

34) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 18.6 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°52'27.84" Lat., W -75°59'47.22" Long.),

35) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Forested (PFO) Wetland (Lawton, PA Quadrangle N 41°52'16.28" Lat., W -76°0'36.94" Long.),

36) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 22.2 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Lawton, PA Quadrangle N 41°52'15.92" Lat., W -76°0'40.25" Long.),

37) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 12.1 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Lawton, PA Quadrangle N 41°52'15.78" Lat., W -76°0'41.54" Long.),

38) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 16.8 linear feet of Stone Street Creek (Chap. 93 CWF) (Lawton, PA Quadrangle N 41°51'27.65" Lat., W -76°1'50.81" Long.),

39) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 7.1 linear feet of an UNT Stone Street Creek (Chap. 93 CWF) (Lawton, PA Quadrangle N 41°51'25.13" Lat., W -76°1'58.19" Long.),

40) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 8.2 linear feet of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Lawton, PA Quadrangle N 41°51'8.10" Lat., W -76°2'21.08" Long.),

41) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Lawton, PA Quadrangle N 41°50'34.55" Lat., W -76°2'37.25" Long.),

42) A sixteen (16) inch natural gas gathering pipeline temporarily impacting 18.2 linear feet of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Lawton, PA Quadrangle at N 41°50'28.36" Lat., W -76°2'39.23" Long.),

43) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Lawton, PA Quadrangle N 41°50'25.67" Lat., W -76°2'44.63" Long.),

44) A sixteen (16) inch natural gas gathering pipeline temporarily impacting less than 0.01 acres of a Palustrine Forested (PFO) Wetland (Lawton, PA Quadrangle N 41°50'33.18" Lat., W -76°3'7.67" Long.),

45) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Montrose West, PA Quadrangle N 41°51'19.51" Lat., W -75°56'49.56" Long.),

46) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 16.9 linear feet of an Intermittent UNT Forest Creek (Chap. 93 CWF) (Montrose West, PA Quadrangle N 41°50'56.33" Lat., W -75°56'44.74" Long.),

47) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Montrose West, PA Quadrangle N 41°52'12.79" Lat., W -75°56'34.55" Long.),

48) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Montrose West, PA Quadrangle N 41°51'27.61" Lat., W -75°56'48.91" Long.),

49) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Montrose West, PA Quadrangle N 41°51'26.82" Lat., W -75°56'48.95" Long.),

50) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 3.8 linear feet of an Intermittent UNT Forest Lake Creek (Chap. 93 CWF) (Montrose West, PA Quadrangle N 41°51'25.81" Lat., W -75°56'49.06" Long.),

51) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 4.4 linear feet of an Intermittent UNT Forest Lake Creek (Chap. 93 CWF) (Montrose West, PA Quadrangle N 41°51'25.16" Lat., W -75°56'49.10" Long.),

52) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Laurel Lake, PA Quadrangle N 41°53'8.27" Lat., W -75°56'58.56" Long.),

53) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Laurel Lake, PA Quadrangle N 41°53'7.48" Lat., W -75°56'57.88" Long.),

54) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 6.8 linear feet of an Intermittent UNT Forest Lake Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°53'5.21" Lat., W -75°56'56.94" Long.),

55) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Montrose West, PA Quadrangle N 41°52'20.53" Lat., W -75°56'44.30" Long.),

56) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Montrose West, PA Quadrangle N 41°52'20.93" Lat., W -75°56'45.82" Long.),

57) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Montrose West, PA Quadrangle N 41°52'19.52" Lat., W -75°56'43.01" Long.),

58) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Scrub Shrub (PSS) Wetland (Laurel Lake, PA Quadrangle N 41°53'39.37" Lat., W -75°57'24.23" Long.),

59) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Forested (PFO) Wetland (Laurel Lake, PA Quadrangle N 41°52'11.96" Lat., W -75°58'1.42" Long.),

60) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Laurel Lake, PA Quadrangle N 41°52'46.60" Lat., W -75°58'17.40" Long.),

61) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Laurel Lake, PA Quadrangle N 41°52'47.75" Lat., W -75°58'16.82" Long.),

62) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Laurel Lake, PA Quadrangle N 41°52'54.34" Lat., W -75°58'21.40" Long.),

63) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 4.2 linear feet of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°52'55.24" Lat., W -75°58'22.30" Long.),

64) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 3.9 linear feet of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Laurel Lake, PA Quadrangle N 41°52'58.84" Lat., W -75°58'25.39" Long.),

65) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 3.4 linear feet of North Branch Wyalusing Creek (Chap. 93 CWF) (Lawton, PA Quadrangle N 41°51'11.27" Lat., W -76°4'39.14" Long.),

66) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Lawton, PA Quadrangle N 41°50'37.54" Lat., W -76°3'29.66" Long.),

67) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting 4.4 linear feet of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF) (Lawton, PA Quadrangle N 41°50'36.60" Lat., W -76°3'25.24" Long.),

68) A sixteen (16) inch natural gas gathering lateral pipeline temporarily impacting less than 0.01 acres of a Palustrine Emergent (PEM) Wetland (Lawton, PA Quadrangle N 41°50'36.56" Lat., W -76°3'25.06" Long.),

69) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 13.5 linear feet (Franklin Forks, PA Topographic Quadrangle N 41°55'47.82" Lat., W -75°52'9.70" Long.),

70) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 13.1 linear feet (Franklin Forks, PA Topographic Quadrangle at N 41°55'46.42" Lat., W -75°52'11.03" Long.),

71) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 6.8 linear feet (Laurel Lake, PA Topographic Quadrangle N 41°55'13.91" Lat., W -75°53'5.10" Long.),

72) A bridge mat road crossing of an UNT Laurel Lake, PA Creek (Chap. 93 CWF); temporarily impacting 14.4 linear feet; (Laurel Lake, PA Topographic Quadrangle N 41°55'14.59" Lat., W -75°53'33.72" Long.),

73) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 6.3 linear feet (Laurel Lake, PA Topographic Quadrangle N 41°55'11.17" Lat., W -75°54'11.16" Long.),

74) A bridge mat road crossing of an Intermittent UNT Silver Creek (Chap. 93 CWF); temporarily impacting 4.8 linear feet (Laurel Lake, PA Topographic Quadrangle N 41°55'11.03" Lat., W -75°54'13.28" Long.),

75) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting 0.0099 acres (Laurel Lake, PA Topographic Quadrangle N 41°54'58.75" Lat., W -75°55'12.65" Long.),

76) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting 0.01 acres (Laurel Lake, PA Topographic Quadrangle N 41°54'57.60" Lat., W -75°55'14.66" Long.),

77) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting 0.02 acres (Laurel Lake, PA Topographic Quadrangle N 41°54'58.10" Lat., W -75°55'15.78" Long.),

78) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting 0.02 acres (Laurel Lake, PA Topographic Quadrangle N 41°54'57.06" Lat., W -75°55'19.56" Long.),

79) A bridge mat road crossing of an UNT Silver Creek (Chap. 93 CWF); temporarily impacting 15 linear feet (Laurel Lake, PA Topographic Quadrangle N 41°54'48.82" Lat., W -75°56'9.71" Long.),

80) A bridge mat road crossing of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); temporarily impacting 8.1 linear feet (Laurel Lake, PA Topographic Quadrangle N 41°52'52.68" Lat., W -75°59'13.31" Long.),

81) A bridge mat road crossing of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); temporarily impacting 23.3 linear feet (Laurel Lake, PA Topographic Quadrangle N 41°52'53.08" Lat., W -75°59'16.91" Long.),

82) A bridge mat road crossing of an UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); temporarily impacting 18.6 linear feet (Laurel Lake, PA Topographic Quadrangle N 41°52'27.84" Lat., W -75°59'47.22" Long.),

83) A bridge mat road crossing of an UNT Stone Street Creek (Chap. 93 CWF); temporarily impacting 7.1 linear feet (Lawton, PA Topographic Quadrangle N 41°51'25.13" Lat., W -76°1'58.19" Long.),

84) A bridge mat road crossing of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); temporarily impacting 8.2 linear feet (Lawton, PA Topographic Quadrangle N 41°51'8.10" Lat., W -76°2'21.08" Long.),

85) A wetland mat road crossing of a Palustrine Scrub Shrub (PSS) Wetland; temporarily impacting less than 0.01 (Montrose West, PA Topographic Quadrangle N 41°51'19.51" Lat., W -75°56'49.56" Long.),

86) A bridge mat road crossing of an Intermittent UNT Forest Creek (Chap. 93 CWF); temporarily impacting 16.9 linear feet (Montrose West, PA Topographic Quadrangle N 41°50'56.33" Lat., W -75°56'44.74" Long.),

87) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting less than 0.01 acres (Montrose West, PA Topographic Quadrangle N 41°52'12.79" Lat., W -75°56'34.55" Long.),

88) A bridge mat road crossing of an Intermittent UNT Forest Lake Creek (Chap. 93 CWF); temporarily impacting 3.8 linear feet (Montrose West, PA Topographic Quadrangle N 41°51'25.81" Lat., W -75°56'49.06" Long.),

89) A wetland mat road crossing of a Palustrine Scrub Shrub (PSS) Wetland; temporarily impacting 0.01 acres (Laurel Lake, PA Topographic Quadrangle N 41°53'39.37" Lat., W -75°57'24.23" Long.),

90) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting 0.04 acres (Laurel Lake, PA Topographic Quadrangle N 41°52'54.34" Lat., W -75°58'21.40" Long.),

91) A bridge mat road crossing of an Intermittent UNT Middle Branch Wyalusing Creek (Chap. 93 CWF); tempo-



rarily impacting 3.9 linear feet (Laurel Lake, PA Topographic Quadrangle N 41°52'58.84" Lat., W -75°58'25.39" Long.),

92) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting less than 0.01 acres (Lawton, PA Topographic Quadrangle N 41°50'37.54" Lat., W -76°3'29.66" Long.),

93) A wetland mat road crossing of a Palustrine Emergent (PEM) Wetland; temporarily impacting less than 0.01 acres (Lawton, PA, PA Topographic Quadrangle N 41°50'36.56" Lat., W -76°3'25.06" Long.).

The proposed Laser Northeast Gathering Susquehanna Pipeline—South Leg consists of the construction, operation, and maintenance of approximately 14.4 miles of the primary leg of a natural gas gathering system which is comprised of a sixteen inch coated steel pipe, buried to approximately three feet, collecting gas from three laterals of similar construction but ten inches in diameter. The linear length of the three laterals is approximately two, 2.1, and 5.4 miles in length. The natural gas gathering system is proposed for Liberty, Franklin, Silver Lake, Forest Lake and Middletown Townships, Susquehanna County, Pennsylvania. All stream and wetlands crossings are proposed to be constructed using the Horizontal Directional Drill method. Total Temporary Impacts for this site are 350.2 lineal feet of stream crossings and 8,056.2 square feet (0.185 acre) of wetland impacts. There are no permanent impacts associated with this site.

**E5929-013: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Shippen Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2-4 inch diameter water lines impacting 300 square feet of an unnamed tributary (UNT) to Elk Run (TSF) (Mansfield, PA Quadrangle 41°50'21"N 77°00'19"W);

2) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2-4 inch diameter water lines impacting 27,307 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'21"N 77°00'22"W);

3) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2-4 inch diameter water lines impacting 1,755 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'25"N 77°00'31"W);

4) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2-4 inch diameter water lines impacting 4,324 square feet of a palustrine emergent/scrub/shrub (PEM/PSS) wetland (Mansfield, PA Quadrangle 41°50'25"N 77°00'27"W).

The project will result in 6 linear feet of temporary stream impacts and 33,386 square feet (0.77 acres) of temporary wetland impacts. Streams and wetlands are being crossed all for the purpose of installing a natural gas spur line with associated access roadways.

**E5929-014: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Richmond and Sullivan Townships, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 650 square feet of an

unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'53"N 77°00'43"W);

2) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 350 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'54"N 77°00'57"W);

3) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 850 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'55"N 77°00'58"W);

4) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 500 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'56"N 77°00'59"W);

5) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 950 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'57"N 77°01'00"W);

6) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 400 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'57"N 77°01'01"W);

7) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 350 square feet of an unnamed tributary (UNT) to the Tioga River (CWF) (Mansfield, PA Quadrangle 41°50'49"N 77°04'49"W);

8) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 100 square feet of an unnamed tributary (UNT) to Mad Run (TSF) (Mansfield, PA Quadrangle 41°50'23"N 77°03'13"W);

9) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,600 square feet of Mad Run (TSF) (Mansfield, PA Quadrangle 41°50'23"N 77°03'12"W);

10) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,300 square feet of Mad Run (TSF) (Mansfield, PA Quadrangle 41°49'43"N 77°02'25"W);

11) an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 42 square feet of an unnamed tributary (UNT) to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°48'15"N 77°02'25"W);

12) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 503 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°47'54"N 77°00'48"W);

13) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,872 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'00"N 77°01'05"W);

14) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,651 square feet

of a palustrine emergent/scrub/shrub (PEM/PSS) (Mansfield, PA Quadrangle 41°48'05"N 77°01'23"W);

15) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,778 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'05"N 77°01'33"W);

16) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 837 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'09"N 77°02'10"W);

17) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,474 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'09"N 77°02'10"W);

18) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 475 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'09"N 77°02'18"W);

19) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,183 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'23"N 77°02'28"W);

20) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,242 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'28"N 77°02'28"W);

21) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,259 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'52"N 77°02'21"W);

22) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 607 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'03"N 77°02'24"W);

23) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 1,213 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°48'57"N 77°02'45"W);

24) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,232 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'34"N 77°02'30"W);

25) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 2,093 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'36"N 77°02'29"W);

26) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,728 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'38"N 77°02'28"W);

27) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 3,273 square feet of a

palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'39"N 77°02'27"W);

28) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 20 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'43"N 77°02'24"W);

29) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 60 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'43"N 77°02'26"W);

30) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 5,020 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°49'44"N 77°02'25"W);

31) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 1,570 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'21"N 77°02'22"W);

32) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 111 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'23"N 77°02'18"W);

33) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas spur line and a 10 inch diameter water line impacting 1,678 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'26"N 77°02'13"W);

34) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 9,905 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'21"N 77°02'50"W);

35) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 438 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'21"N 77°02'52"W);

36) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 627 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'23"N 77°03'03"W);

37) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,168 square feet of a palustrine emergent/scrub/shrub (PEM/PSS) wetland (Mansfield, PA Quadrangle 41°50'23"N 77°03'13"W);

38) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 8,460 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'42"N 77°04'11"W);

39) a temporary road crossing using a mat bridge, an 8 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 557 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'49"N 77°04'49"W).

The project will result in 479 linear feet of temporary stream impacts, a total of 58,034 square feet (1.33 acres) of temporary wetland impacts, and no permanent wetland

impacts. Streams and wetlands are being crossed all for the purpose of installing a natural gas gathering line and 2 spur lines with associated access roadways.

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E46-1067. Wissahickon Valley Watershed Association**, 12 Morris Road, Ambler, PA 19002-5407, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities across the Wissahickon Creek (TSF):

1. To install approximately 19 blocks of poured-in-place concrete stepping stones, 1' wide x 2' long at 18-inch spacing associated with the Green Ribbon Trail project.

2. To install and maintain a temporary cofferdam.

The site is approximately 682 feet southwest of Church Avenue and approximately 455 feet northeast of Morris Road in Upper Dublin Township, Montgomery County (Ambler, PA, USGS Quadrangle N: 3.50 inches, W: 13.50 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E15-809. MCM Family Partnership, LLC**, PO Box 296, Oxford, PA 19363-0296, West Nottingham Township, **Chester County**, ACOE Baltimore District.

To construct and maintain a driveway crossing of a small unknown tributary to Stone Run (TSF-MF) and adjacent wetlands (PFO). The wetland impact associated with this crossing is 0.155 acre. The site is located about 1,000 feet southwest of intersection of Conowingo Road (Route 1) and Sylmar Road (Rising Sun- MD-PA, USGS Quadrangle N: 17.75 inches, W: 4.7 inches) in West Nottingham Township, Chester County.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E51-245. JERC Partners X111 LP**, 171 State Route 173, Suite 201, Asbury, NJ 08802, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To place fill on 0.18 acre of wetlands (WL-C) associated with the construction of an industrial warehouse and distribution facility at Red Lion Road. Approximately 0.18 acre of wetlands will be created as a mitigation measure.

The project site is located north of the intersection of Red Lion Road and Sandmeyer Lane in the City and County of Philadelphia (Frankford, PA USGS Quadrangle N: 4.50 inches; W: 3.30 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E46-1064. PA American Water**, 4 Wellington Road, Wyomissing, PA 19610, Norristown Borough, Bridgeport Borough, **Montgomery County**, ACOE Philadelphia District.

To install and maintain approximately 960 Linear feet of 16-inch diameter water main across and along the floodplain of the Schuylkill River associated with the

existing dilapidated water main. This work includes construction and maintenance of a nt of cofferdam/causeway in the River.

The site is located between the Markley Street (S.R. 202) and Dekalb Pike stream crossing (Norristown, PA USGS Quadrangle N: 20.5; W: 13.5).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E51-246. City of Philadelphia**, Streets Department, 830 MSB Building, 1401 JFK Blvd., Philadelphia, PA 19102, City and **County of Philadelphia**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities within/along the Schuylkill River (CWF-MF) associated with the Schuylkill River Park Trail—Phase IIIB project:

1. To construct and maintain approximately 2,000 feet long extension of the Schuylkill River Park Trail in the form of a suspended bridge over the stream, approximately 50 feet from the river banks, running parallel with the river from Walnut Street cul-de-sac to approximately 210 feet southwest of the South Street Bridge. This work includes the associated ramps.

2. To temporarily install and maintain a concrete mixing plant within the floodway associated with the vehicular access and load restrictions in the project area.

The project site is located along the Schuylkill River commencing at the Walnut Street cul-de-sac running southwesterly parallel and ends at approximately 210 feet southwest of the South Street Bridge in the City and County of Philadelphia (Frankford, PA, USGS Quadrangle N: 13.37 inches; W: 8.17 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**E67-880: Pennsylvania Department of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, in Carroll Township, **York County**, ACOE Baltimore District

To: 1) remove the existing culvert structure and construct and maintain 90.0 feet of dual 38.0-inch by 60.0-inch elliptical culvert with rock aprons depressed 12.0 inches into the streambed of an unnamed tributary to Dogwood Run (CWF, MF) and 2) place and maintain 30,274.5 cubic feet of fill in three locations in and along an approximately 300.0-foot long section of the floodway and floodplain of Dogwood Run, all for the purpose of improving transportation safety and roadway standards. The project is located on SR 0074, at the intersection of Spring Lane (T-874) (Mechanicsburg, PA Quadrangle; N: 1.5 inches, W: 5.6 inches; Latitude: 40°8'0", Longitude: -77°2'24") in Carroll Township, York County.

**E67-890: Pennsylvania Department of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, in Windsor Township, **York County**, ACOE Baltimore District

To: 1) remove the existing structure and to construct and maintain a 6.0-inch depressed reinforced concrete pipe culvert having a length of 97.0 feet, skewed 75°, and



a diameter of 84.0 inches in an unnamed tributary to Kreutz Creek (WWF, MF), 2) construct and maintain two stormwater outfalls to an unnamed tributary to Kreutz Creek (WWF, MF) at the upstream side of the culvert, and 3) place and maintain fill in 0.02 acre of PEM wetlands all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0124 from Miller Drive (T-652) to Christensen Road (T-764) in Windsor Township, York County (York, PA Quadrangle N: 15.4 inches, W: 2.2 inches; Latitude: 39°57'35", Longitude: -76°38'26"). The amount of wetland impact is considered a de minimus impact of 0.02 acre and wetland replacement is not required.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E14-538. Pennsylvania Department of Transportation**, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 3011, Section A02 Bridge Replacement over Slab Cabin Run in College Township and State College Borough, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle; Latitude: 40°47'27"; Longitude 77°49'56").

The applicant proposes to remove the existing bridge structure, construct, operate and maintain a new two span concrete spread box beam bridge. The existing structure is a two span concrete T-beam bridge with a total normal span of 50 ft., skew of 45°, and an average underclearance of 4.2 ft. The proposed structure will be constructed on approximately the same horizontal and vertical alignment as the existing structure. The proposed structure has a total normal span of 52 ft., skew of 45°, and an average underclearance of 4.2 ft. Additionally, approximately 230 ft Slab Cabin Run will be relocated

with the bridge replacement. Slab Cabin Run currently curves and flows into the toe of the roadway embankment and along the roadway into the bridge structure. The proposed alignment will relocate Slab Cabin Run out into the existing floodplain and will include log structures for both aquatic habitat and stabilization. Slab Cabin Run is classified as a Cold Water Fishery. The project proposes 0.01 acres of permanent wetland impact. This permit also includes 401 Water Quality Certification.

**E18-465. Chapman Township Board of Supervisors**, PO Box 485, North Bend, PA 17760-0485. North Bend Boat Launch, in Chapman Township, **Clinton County**, ACOE Baltimore District (Renovo East, PA Quadrangle N: 41°20'31" N, W: 77°42'7.5").

To construct and maintain: 1) a 50-foot long by 15-foot wide by 8-inch thick concrete slab boat ramp, 2) a 300-foot long by 80-foot wide gravel parking lot and access road and associated bank stabilization, 3) a grass kayak / canoe launch area, and 4) a dry fire hydrant and associated intake. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-434. UGI—Central Penn Gas, Inc.**, 24547 Route 6, Port Allegany, PA 16743-2507. UGI Elevenmile Creek Natural Gas Distribution Pipeline Replacement Project in Oswayo Township, **Potter County**, ACOE Pittsburgh District (Oswayo, PA Quadrangle Latitude: 41°57'40"; Longitude: 78°01'24").

UGI—Central Penn Gas, Inc. proposes to abandon an existing 2-inch diameter gas distribution pipeline and install, operate and maintain 5400-feet of 8-inch diameter natural gas distribution pipeline requiring encroachment of the following of wetlands and streams:

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
Wetland #1	Pipeline Crossing	Wetland	EV	41°57'36"	78°01'45"
Creek #1	Pipeline Crossing	Elevenmile Creek	HQ-CWF	41°57'37"	78°01'46"
Creek #2	Pipeline Crossing	Elevenmile Creek	HQ-CWF	41°57'37"	78°01'42"
Wetland #2	Pipeline Crossing	Wetland	EV	41°57'37"	78°01'39"
Wetland #3	Pipeline Crossing	Wetland	EV	41°57'37"	78°01'36"
Wetland #4	Pipeline Crossing	Wetland	EV	41°57'38"	78°01'33"
Wetland #5	Pipeline Crossing	Wetland	EV	41°57'39"	78°01'27"
Wetland #6	Pipeline Crossing	Wetland	EV	41°57'39"	78°01'26"
Wetland #7	Pipeline Crossing	Wetland	EV	41°57'39"	78°01'24"
Wetland #8	Pipeline Crossing	Wetland	EV	41°57'39"	78°01'24"
Creek #3	Pipeline Crossing	Elevenmile Creek	HQ-CWF	41°57'40"	78°01'24"
Wetland #9	Pipeline Crossing	Wetland	EV	41°57'41"	78°01'12"
Creek #4	Pipeline Crossing	Elevenmile Creek	HQ-CWF	41°57'42"	78°01'11"
Creek #5	Pipeline Crossing	Elevenmile Creek	HQ-CWF	41°57'43"	78°01'10"

Since Elevenmile Creek is wild trout and stock trout fishery, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 or March 1 and June 15 without prior written approval from the Pennsylvania Fish and Boat Commission. Installation of the gas distribution pipeline shall be accomplished by directional drilling beneath the above listed wetlands and streams. The project is located along the northern right-of-way of SR 4023 immediately east of Pine Hill Road and SR 4023 intersection. If upon

investigation the Department determines the activities authorized by this permit are serving to degrade or impair any of the above listed wetlands or streams, the permittee shall develop the necessary corrective action plan to mitigate the degradation or impairment. The permittee shall submit any corrective action plan to the Northcentral Region Watershed Management Program for review and approval prior to implementing any corrective action measure.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E42-351, FHO Corporation**, 1000 Glendorn Drive, Bradford, PA 16701, Glendorn Sewer Connection in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 41°, 54', 54"; W: 78°, 42', 50").

Project is to replace and maintain several failing on-lot septic systems with a new 1.25" to 3" grinder pump low-pressure force main to the Bradford Township public sanitary sewer system to include approximately 22,800' of pipe, 6 directional bore wetland crossings, 3 stream crossings of Fuller Brook, 2 crossings of UNT to Fuller Brook, 1 crossing of UNT to West Branch Tunungwant Creek and 1 crossing of Langmade Brook.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D46-096EA. Wissahickon Valley Watershed Association**, 12 Morris Road, Ambler, PA 19002. Lower Gwynedd Township, **Montgomery County**, ACOE Philadelphia District. Project proposes to breach and remove Plymouth Crossing Dam across Wissahickon Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1500 linear feet of stream channel. The dam is located approximately 1400 feet south of the intersection of Gypsy Hill Road (SR 2005) and Evans Road (SR 2016) (Lansdale, PA Quadrangle; Latitude: 40°11'02", Longitude: -75°15'17").

**D40-020EA. Theta Land Corporation**, 1004 Exeter Ave., Exeter, PA 18643. Hanover Township, **Luzerne County**, ACOE Baltimore District.

Project proposes to breach and remove Pine Run No.1 Dam across Pine Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 600 feet of stream channel. The dam is located approximately 4500 feet south of the intersection of US 81 and SR 309 (Wilkes-Barre, West, PA Quadrangle; Latitude: 41°11'47", Longitude: -75°53'30").

**D09-006EA Mr. David Sharp**, 2116-C Great Bend Turnpike, Honesdale, PA 18431, Milford Township, **Bucks County**, ACOE Philadelphia District.

Project proposes to remove the remaining portions of Archey's Mill Dam across Unami Creek (HQ-TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 1700 feet southeast of the intersection of John Fries Highway (SR 663) and Allentown Road (SR 4027) (Milford Square, PA Quadrangle; Latitude: 40°26'15", Longitude: -75°23'35").

**D23-044EA. Darby Borough**, 821 Summit Street, Darby, PA 19023. Darby Borough, **Delaware County**, ACOE Philadelphia District.

Project proposes to breach and remove Darby Dam across Darby Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 750 linear feet of stream channel. The dam is located approximately 800 feet west of the intersection of Macdade Boulevard (SR 13) and Main Street (SR 2005) (Lansdowne, PA Quadrangle; Latitude: 39°55'16", Longitude: -75°16'00").

**D63-031EA. Mr. John Korcek**, 23 Main Street, Box 545, Ellsworth, PA 15331. Ellsworth Borough, **Washington County**, ACOE Pittsburgh District.

Project proposes to breach and remove Ellsworth No. 2 Dam across Center Branch Pigeon Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1150 feet of stream channel. The dam is located approximately 1100 feet southwest of the intersection of South Main Street (SR 917) and Almond Road (SR 2019) (Ellsworth, PA Quadrangle; Latitude: 40°06'24", Longitude: -80°01'27").

**D46-353EA. Old York Road Country Club**, 801 Tennis Avenue, Springhouse, PA 19462, Lower Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To remove 2.11-acres of accumulated silts and sediments from the reservoir impounded by the Old York Road Country Club Dam across Park Creek (WWF) in order to restore storage capacity. The dam is located approximately 2,000 feet southwest of the intersection of Tennis Road and SR 63 (Ambler, PA Quadrangle; Latitude: 40°11'03"; Longitude: -75°12'10").

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

02/17/2011  
ESCGP-1 No.: ESG11-111-0001  
Applicant Name: Caimen Energy LLC  
CONTACT: Steven Skellie  
Address: 5944 Sherry Lane Suite 645  
City: Dallas State: TX Zip Code: 75225  
County: Somerset Township(s): Middlecreek  
Receiving Stream(s) And Classifications: UNT's to Middle Creek, Other

4/5/2011

ESCGP-1 No.: ESX11-125-0028

Applicant Name: Rice Drilling B LLC

Contact Person: Toby Rice

Address: 171 Hillpointe Drive Suite 307

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Amwell

Receiving Stream(s) and Classifications: Shipe Run,  
Other

6/17/2011

ESCGP-1 No.: ESX10-059-0086 Major Revision

Applicant Name: Tanglewood Exploration, LLC

Contact Person: Randy Wolsey

Address: 226 Elm Drive, Suite 102

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Franklin

Receiving Stream(s) and Classifications: South Fork Ten  
Mile WWF, Lower Monongahela, Other

6/13/2011

ESCGP-1 No.: ESX11-125-0052

Applicant Name: Range Resourced—Appalachia LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Chartiers

Receiving Stream(s) and Classifications: UNT's to Plum  
Run/Chartiers Creek Watershed, Other

6/24/2011

ESCGP-1 No.: ESX11-059-0034

Applicant Name: Laurel Mountain Midstream LLC

Contact Person: Clayton Roesler

Address: 1605 Coraopolis Heights Road

City: Moon Township State: PA Zip Code: 15108

COUNTY Greene Township(s): Franklin

Receiving Stream(s) and Classifications: UNT's to Browns  
Creek HQ-WWF/Tensmile Creek Watershed, HQ

6/8/2011

ESCGP-1 No.: ESX11-059-0041

Applicant Name: EQT Production Company

Contact Person: Todd Klaner

Address: 455 Racetrack Road Suite 101

City: Washington State: PA Zip Code: 15301

County: Greene Township(s): Morgan

Receiving Stream(s) and Classifications: Castile Run,  
Other WWF

6/14/2011

ESCGP-1 No.: ESX11-051-0021

Applicant Name: Laurel Mountain Midstream LLC

Contact Person: Michael Hopkins

Address: 1605 Coraopolis Heights Road

City: Moon Township State: PA Zip Code: 15108

County: Fayette Township(s): Dunbar, Franklin &  
MenallenReceiving Stream(s) and Classifications: Redstone Creek  
WWF, UNT's to Redstone Creek WWF, UNT's to Allen  
Run WWF, Bolden Run WWF, UNT's to Bolden Run  
WWF, Bute Run WWF, Monongahela River Watershed  
& Youghiogheny River Watershed

06/10/2011

ESCGP-1 No.: ESX11-125-0051

Applicant Name: Atlas America LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Washington Township(s): Centerville

Receiving Stream(s) and Classifications: Twomile Run  
and UNT to Twomile Run/Middle Monongahela River  
Watershed, Other

05/27/2011

ESCGP-1 No.: ESX11-059-0003 Major Revision

Applicant Name: Laurel Mountain Midstream LLC

Contact Person: Clayton Roesler

Address: 1605 Coraopolis Heights Road

City: Moon Township State: PA Zip Code: 15108

County: Greene Township(s): Franklin

Receiving Stream(s) and Classifications: 4 UNT's to  
Brown Creek HQ-WWF, Wisecraver Run  
HQ-WWF, Tenmile Creek Watershed, HQ

6/2/2011

ESCGP-1 NO.: ESX11-059-0039

Applicant Name: EQT Production Co

CONTACT PERSON: Todd Klaner

ADDRESS: 455 Racetrack Road

City: Washington State: PA Zip Code: 15301

County: Greene Township(s): Center

Receiving Stream(s) and Classifications: Rush Run

HQ-WWF, UNT's to South Fork Tenmile Creek

HQ-WWF, Lightner Run HQ-WWF, South Fork

Tenmile Creek Watershed, HQ

6/27/11

ESCGP-1 NO.: ESX10-059-0029 Major Revision

Applicant Name: EQT Production Company

CONTACT: Todd Klaner

ADDRESS: 455 Racetrack Road

City: Washington State: PA Zip Code: 15301

County: Greene Township(s): Washington

Receiving Stream(s) and Classifications: Petit Run/

Gamers Run, HQ-WWF, South Fork Tenmile Creek

Watershed, HQ

*Northcentral Region: Oil & Gas Management Program  
Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-035-0007

Applicant Name XTO Energy, Inc.

Contact Person Mike Hahn

Address 395 Airport Road

City, State, Zip Indiana, PA 15701

County Clinton

Township(s) Chapman Twp.

Receiving Stream(s) and Classification(s) W. Br.

Susquehanna R/Susquehanna R Basin

ESCGP-1 # ESX11-081-0056

Applicant Name XTO Energy, Inc.

Contact Person Stacey Vehovic

Address 395 Airport Road

City, State, Zip Indiana, PA 15701

County Lycoming

Township(s) Jordan Twp.

Receiving Stream(s) and Classification(s) W. Br. Run (EV,

MF); Little Fishing Cr (EV, MF)

ESCGP-1 # ESX11-015-0109

Applicant Name Chesapeake Appalachia LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Smithfield &amp; Springfield Twps.

Receiving Stream(s) and Classification(s) UNT to Bentley

Cr (WWF); Fall Cr (WWF), Bentley Cr (WWF)

ESCGP-1 # ESX11-131-0020

Applicant Name Chesapeake Appalachia LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Wyoming

Township(s) Mehoopany Twp.



Receiving Stream(s) and Classification(s) UNT to  
Susquehanna R, Susquehanna R (WWF)

ESCGP-1 # ESX11-015-0110

Applicant Name Chesapeake Appalachia LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Tuscarora Twp.

Receiving Stream(s) and Classification(s) Little Tuscarora  
Cr, Tuscarora Cr (CWF, MF); Susquehanna R.

ESCGP-1 # ESX11-015-0111

Applicant Name Chesapeake Appalachia LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Leroy Twp.

Receiving Stream(s) and Classification(s) UNT to  
Towanda Cr/Towanda Cr (CWF/TSF)

ESCGP-1 # ESX11-015-0114

Applicant Name Chesapeake Appalachia LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Smithfield Twp.

Receiving Stream(s) and Classification(s) UNT 1 and  
UNT 2 to Browns Cr (WWF); Browns Cr (WWF)

ESCGP-1 # ESX11-117-0061

Applicant Name SWEPI LP

Contact Person Richard Lewis

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Sullivan Twp.

Receiving Stream(s) and Classification(s) Trib. to Crooked  
Cr (WWF, MF)

ESCGP-1 # ESX11-117-0065

Applicant Name Seneca Resources

Contact Person Michael Clinger

Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825

County Tioga

Township(s) Gaines Twp.

Receiving Stream(s) and Classification(s) Deer Lick Run/  
Baker Br (HQ, EV)

ESCGP-1 # ESX11-117-0064

Applicant Name Seneca Resources

Contact Person Michael Clinger

Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825

County Tioga

Township(s) Covington Twp.

Receiving Stream(s) and Classification(s) Tioga R and  
Marvin Cr/Elk Run and Upper Tioga R

ESCGP-1 # ESX11-131-0013

Applicant Name Williams Field Services Co, LLC

Contact Person Clayton Roesler

Address Westpoint Center 3, 1065 Coraopolis Heights Rd

City, State, Zip Moon Twp, PA 15108

County Luzerne, Susquehanna, Wyoming

Township(s) Dallas, Franklin Twps; Sprinville Twp;

Eaton, Tunkhannock, Lemon, Nicholson,

Northmoreland Twps.

Receiving Stream(s) and Classification(s) Meshoppen Cr,  
Pond Br, Stevens Cr, Thomas Cr, UNT to Stevens Cr,

Jackson Cr, Martin Cr, Mill Cr, Sutton Cr Moneyppenny  
Cr, Whitlock Cr, UNT to Martin Cr, UNT to Mill Run,  
UNT to Moneyppenny Cr, UNT to Susquehanna R, UNT  
to Sutton Cr, UNT to Whitlock Cr, Trout Br, UNT to  
Trout Br, Billings Mill Br, Horton Cr, Monroe Cr,  
Oxbow Cr, UNT to Monroe Cr, UNT to Tunkhannock  
Cr—ALL CWF, MF; Susquehanna R—WWF, MF;  
Tunkhannock Cr—TSF, MF

ESCGP-1 # ESX10-117-0096(01)

Applicant Name SWEPI LP

Contact Person James Sewell

Address 190 Thorn Hill Rd

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Charleston Twp.

Receiving Stream(s) and Classification(s) UNT to Catlin  
Hollow, Catlin Hollow, Crooked Cr, Susquehanna R  
Basin—WWF

ESCGP-1 # ESX10-081-0105(01)

Applicant Name Anadarko E&P Company LP

Contact Person Bertha Nefe

Address P. O. Box 1330

City, State, Zip Houston, TX 77251-1330

County Lycoming

Township(s) Cascade Twp.

Receiving Stream(s) and Classification(s) Slacks Run and  
UNT to Joe Gray Run (EV)

ESCGP-1 # ESX11-015-0120

Applicant Name Talisman Energy USA, Inc

Contact Person Tracy Gregory

Address 337 Daniel Zenker Dr

City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Pike Twp.

Receiving Stream(s) and Classification(s) Rockwell Cr

ESCGP-1 # ESX11-015-0113

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main St

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Franklin Twp.

Receiving Stream(s) and Classification(s) (2) UNTs to  
Towanda Cr—CWF; Towanda Cr (TSF)

ESCGP-1 # ESX11-015-0098

Applicant Name Angelina Gathering Company, LLC

Contact Person Danny Spaulding

Address 2350 Sam Houston Parkway E, Ste 125

City, State, Zip Houston, TX 77032

County Bradford

Township(s) Herrick Twp.

Receiving Stream(s) and Classification(s) Camp Cr—  
WWF

ESCGP-1 # ESX11-115-0008(01)

Applicant Name Williams Production Appalachia, LLC

Contact Person David Freudenrich

Address 1000 Town Center, Ste 130

City, State, Zip Canonsburg, PA 15317

County Susquehanna

Township(s) Forest Lake Twp.

Receiving Stream(s) and Classification(s) UNT to Middle  
Br Wyalusing Cr—CWF/MF

ESCGP-1 # ESX11-115-0010(01)

Applicant Name Williams Production Appalachia, LLC

Contact Person David Freudenrich

Address 1000 Town Center, Ste 130

City, State, Zip Canonsburg, PA 15317

County Susquehanna  
Township(s) Liberty Twp.  
Receiving Stream(s) and Classification(s) UNT to Silver  
Cr—EV

ESCGP-1 # ESX11-117-0066  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845  
County Tioga  
Township(s) Jackson Twp.  
Receiving Stream(s) and Classification(s) Bailey Cr  
(CWF, MF)

ESCGP-1 # ESX11-105-0003  
Applicant Name Penn Virginia Oil & Gas Corp  
Contact Person Michael Stamper  
Address 1000 Town Center Way, Ste 210  
City, State, Zip Canonsburg, PA 15317  
County Bradford  
Township(s) Hector Twp  
Receiving Stream(s) and Classification(s) Jamison Run/  
Crippen Run—HQ

ESCGP-1 # ESX11-015-0118  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Wysox Twp  
Receiving Stream(s) and Classification(s) Laning Cr, UNT  
to Laning Cr, UNT to Rummerfield Cr, Susquehanna R,  
UNT Susquehanna R—all WWF/MF; Wysox Cr, UNT  
to Wysox Cr, Pond Hill Run, UNT to Pond Hill Run,  
Hollow Run, Dry Run, UNT to Johnson Cr—CWF,MF

ESCGP-1 # ESX11-015-0121  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Litchfield & Rome Twps.  
Receiving Stream(s) and Classification(s) Hicks Cr, Trib  
30144 to Wysox Cr, Tribs. 30127, 30137, 30136, 30134,  
30139, 30110, 30133, 30124, 30125, 30121 to Bullard  
Cr, Bullard Cr—all CWF,MF; Spalding Cr, Tribs.  
30159, 30158, 30156, and 30154 to Parks Cr—all WWF,  
MF

ESCGP-1 # ESX11-015-0122  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Litchfield Twp.  
Receiving Stream(s) and Classification(s) UNT to Bullard  
Cr, CWF/MF; Susquehanna R Watershed

ESCGP-1 # ESX11-131-0018  
Applicant Name Citrus Energy Corp  
Contact Person Kyle Johns  
Address 2600 Network Blvd, Ste 400  
City, State, Zip Frisco, TX 75034  
County Wyoming  
Township(s) Meshoppen and Washington Twps.  
Receiving Stream(s) and Classification(s) UNTs to  
Susquehanna R—CWF/MF

ESCGP-1 # ESX11-115-0006(01)  
Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Rd, Ext. Ste 210  
City, State, Zip Wexford, PA 15090  
County Susquehanna  
Township(s) Springville Twp.  
Receiving Stream(s) and Classification(s) Pond Br,  
Meshoppen Cr (CWF)

ESCGP-1 # ESX11-115-0054  
Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Rd, Ext. Ste 210  
City, State, Zip Wexford, PA 15090  
County Susquehanna  
Township(s) Lathrop Twp.  
Receiving Stream(s) and Classification(s) E. Br Field Br  
(CWF,MF); Tunkhannock Cr (TSF, MF)

ESCGP-1 # ESX11-131-0016  
Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Rd, Ext. Ste 210  
City, State, Zip Wexford, PA 15090  
County Susquehanna & Wyoming  
Township(s) Springville Twp (Susquehanna); Lemon Twp  
(Wyoming)  
Receiving Stream(s) and Classification(s) Two (2) UNTs to  
Meshoppen Cr (CWF, MF); Susquehanna R (WWF, MF)

ESCGP-1 # ESX11-015-0117  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford  
Township(s) Rome Twp.  
Receiving Stream(s) and Classification(s) Wysox Cr—  
CWF/MF; Parks Cr—WWF/MF, Susquehanna R

ESCGP-1 # ESX11-113-0010  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Sullivan  
Township(s) Fox Twp.  
Receiving Stream(s) and Classification(s) Porter Cr, UNT  
to Porter Cr (EV); Hoagland Br, Elk Cr

ESCGP-1 # ESX11-105-0006  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Potter  
Township(s) Sweden Twp.  
Receiving Stream(s) and Classification(s) Lyman Cr, UNT  
to Trout Run—HQ-CWF

ESCGP-1 # ESX11-117-0063  
Applicant Name Seneca Resources Corp  
Contact Person Michael Clinger  
Address 51 Zents Blvd  
City, State, Zip Brookville, PA 15825  
County Tioga  
Township(s) Blossburg Borough  
Receiving Stream(s) and Classification(s) Tioga River

ESCGP-1 # ESX11-015-0131  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers  
Address 100 1st Center

City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Rome Twp. and Rome Borough  
 Receiving Stream(s) and Classification(s) Trib 30128 to  
 Laning Cr, Trib 30050 to Hollow Run, Hollow Run,  
 Tribs 30060 and 30059 to Dry Run, Dry Run, Tribs  
 30062 and 30149 to Wysox Cr, Wysox Cr, Trib 30107 to  
 Bullard Cr, Bullard Cr, Trib 30066 to Johnson Cr,  
 Johnson Cr—All CWF/MF. Susq R Watershed

ESCGP-1 # ESX11-015-0119  
 Applicant Name Chesapeake Appalachia LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Franklin Twp.  
 Receiving Stream(s) and Classification(s) Towanda Cr,  
 UNT to Towanda Cr (TSF/MF); Susquehanna R

ESCGP-1 # ESX11-015-0127  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Dr  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Columbia Twp.  
 Receiving Stream(s) and Classification(s) N. Br. Sugar Cr  
 (TSF, MF); Sugar Cr

ESCGP-1 # ESX11-115-0056  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Dr  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Middletown Twp.  
 Receiving Stream(s) and Classification(s) Gaylord Cr, N.  
 Br. Wyalusing Cr (CWF/MF); Wyalusing Cr (WWF/MF)

ESCGP-1 # ESX11-015-0129  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Dr  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Columbia Twp.  
 Receiving Stream(s) and Classification(s) N. Br. Sugar Cr;  
 (3) UNT to N. Br. Sugar Cr (TSF/MF); Sugar Cr (TSF)

ESCGP-1 # ESX10-015-0311(02)  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Dr  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wells Twp.  
 Receiving Stream(s) and Classification(s) UNTs to Seeley  
 Cr (CWF)

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of June 2011 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Accustar Labs-Lebanon	929 Mt. Zion Road Lebanon, PA 17046	Laboratory Analysis
Chad Albright	3810 Broad Avenue Altoona, PA 16601	Testing
Tina Artigliere	2514 Park Street Reading, PA 19606	Testing
Scott Barone	415 Stanley Avenue Springdale, PA 15144	Testing
Rob Bruno Boro Environmental	501 Sharp Avenue Glenolden, PA 19036	Testing
C A Construction	3810 Broad Avenue Altoona, PA 16601	Mitigation
Jeffrey Calta	106 Vensel Lane P. O. Box T Chicora, PA 16025	Testing
Jeffrey Chase	124 Merino Drive Canonsburg, PA 15317	Testing
Steven Clayton	2607 Eaton Rapids Road Lansing, MI 48911	Mitigation
Carl Distenfeld TCS Industries, Inc.	4326 Crestview Road Harrisburg, PA 17112	Testing
Scott Feeser Bloodhounds Inspection Team	16 West Hanover Street Gettysburg, PA 17325	Testing



<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Vilas Godbole	6314 Hilltop Drive Brookhaven, PA 19015	Testing
Chris Kessler New Leaf Home Inspection	950 Capehorn Road York, PA 17402	Testing
Michael Lieb	407 Burmont Road Drexel Hill, PA 19026	Testing
Jeremy Ling	3544 North Progress Avenue Suite 200 Harrisburg, PA 17110	Mitigation
Thomas Moore	421 Redgate Road Sewickley, PA 15143	Testing
Jerry Petrill	290 Forbes Trail Road Greensburg, PA 15601	Mitigation
Gerald Petrone	152 Orchard Drive McMurray, PA 15317	Testing
Pillar to Post Philadelphia LLC	800 Roosevelt Boulevard #400 Philadelphia, PA 19152	Testing
Shawn Price AirChek, Inc.	1936 Butler Bridge Road Mills River, NC 28759	Laboratory Analysis
Troy Rudy Allied Home Inspections	P. O. Box 4214 Lancaster, PA 17601	Testing
Mark Runge	4848 8th Avenue Temple, PA 19560	Mitigation
Eugene John Spoehr, Jr.	227 Robin Hood Road Aston, PA 19317	Testing
Kevin Thompson	P. O. Box 242 Unionville, PA 19375	Testing
Charles Toy	579 Franklin Street Freeport, PA 16229	Testing
Lawrence Transue	2305 Lone Cedar Drive Easton, PA 18040	Testing
Thomas Wilson	P. O. Box 9 Mingoville, PA 16856	Testing
Eric Zigga	835 Murray Street Throop, PA 18512	Mitigation

[Pa.B. Doc. No. 11-1185. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications.

Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance—New Guidance*

DEP ID: 392-2130-015. Title: Guidelines for Development of Critical Area Resource Plans. Description: The Water Resources Planning Act (Act 220 of 2002) provides for the development of a Critical Area Resource Plan (CARP) for any watershed designated as a Critical Water Planning Area (CWPA). The purpose of this policy is to provide guidance to Department staff, Regional Water Resources Committees, the Statewide Water Resources Committee, State and Federal agencies, businesses and the public to assist in development of CARPs. This document outlines the plan elements and process that

will be used to develop, review and approve CARPs. These elements are solely for planning purposes and are not intended to reflect existing or future regulatory requirements. This document was published as a draft at 39 Pa.B. 6520 (November 7, 2009). No comments were received during the 30-day public comment period. Related Technical Guidance Document No. 392-2130-014, Guidelines for Identification of Critical Water Planning Areas, describes the process and criteria that will be used to identify CWPAs. After an area receives CWP designation, a more intensive planning process will be undertaken to produce a CARP. This plan will include a more detailed investigation of water availability and current and future demands for water, with a focus on identifying existing and potential conflicts among users and possible alternatives to resolve the conflicts. The CARP that results from the study is not a regulatory document and will not be binding. It will, however, suggest measures and actions that could be adopted voluntarily to address the potential water shortage in the area. Contact: Questions regarding the technical guidance should be directed to Lori Mohr at (717) 787-4628 or laumohr@state.pa.us.

*Effective Date:* Final upon publication in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-1186. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Coastal Zone Grant Application Period for Federal Fiscal Year 2012 Grants

The Water Planning Office in the Department of Environmental Protection (Department) will be accepting applications beginning August 19, 2011, for Federal Fiscal Year 2012 Coastal Zone grants. Applications must be received by October 17, 2011.

Applicants must meet certain eligibility requirements (for example, an authority, a 501(c)(3) nonprofit organization, a political subdivision or an educational institution) and must be located within the Delaware Estuary Coastal Zone or the Lake Erie Coastal Zone. Proposals must also support the Coastal Zone Program's mission to protect and enhance coastal resources in this Commonwealth.

The Department and the Department of Conservation and Natural Resources have launched an electronic grant application system called Environmental eGrants (eGrants), which standardizes the application process and provides an environmentally friendly way to submit a grant application through a secure internet connection.

Applications for Coastal Zone Management Program grants must be submitted electronically through the eGrants system. To access an online application go to [www.grants.dcnr.state.pa.us](http://www.grants.dcnr.state.pa.us), register as a user by clicking the "Log In/Register" link, click on "Find a Grant" to find this grant opportunity and then select the option to "Apply for This Grant." eGrants will guide applicants through the process of starting the electronic grant application.

To obtain more information concerning Coastal Zone grants, visit the Department web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) and select "DEP Programs A - Z" tab, then choose "Coastal Zone" or contact the Department of Environmental Protection, Water Planning Office, 2nd

Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-1187. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Dam Safety and Waterway Management; Water Quality Certification under Section 401 of the Federal Clean Water Act and Federal Consistency Review under the Coastal Zone Management Act of 1972 for the Army Corps of Engineers Pennsylvania State Programmatic General Permit (PASPGP-4)

On November 1, 2010, the Baltimore, Philadelphia and Pittsburgh Districts of the Army Corps of Engineers, under the authority of section 404(e) of the Federal Clean Water Act (33 U.S.C.A. § 1344(e)), proposed by its Special Public Notice 10-65, to issue Pennsylvania State Programmatic General Permit—4 (PASPGP-4) for a 5-year period. Section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) requires the Commonwealth to certify that any activity requiring a Federal license or permit, which may result in a discharge into the waters of the United States, will comply with the applicable provisions of the Federal Clean Water Act as well as Commonwealth water quality standards. In addition, section 307 of the Coastal Zone Management Act of 1972 (33 U.S.C.A. § 1456) requires that any Federal action which affects the coastal use or resource of a coastal state will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of that state's approved Coastal Management Program. On June 3, 2011, the Army Corps of Engineers published Special Public Notice—11-44, issuing the PASPGP-4 for a 5-year period with an effective date of July 1, 2011. The PASPGP-4 is available for use as of July 16, 2011.

This action by the Army Corps of Engineers continues the present Federal permitting process undertaken jointly with the State permitting process for activities affecting waterways, water bodies and wetlands authorized under the Dam Safety and Encroachment Act (32 P.S. §§ 693.1—693.27). PASPGP-4 places the Department of Environmental Protection (Department) regional offices and delegated county conservation districts in the lead for the majority of permit actions. Through the incorporation of Federal and State permitting standards in one process, the PASPGP-4 continues a streamlined process for permit applicants without compromising comprehensive environmental protection.

At 41 Pa.B. 2762 (May 28, 2011), the Department requested public comment on the proposed 401 Water Quality Certification and Coastal Zone Management Consistency for PASPGP-4. No comments were submitted to the Department during the 30-day public comment period, which concluded on June 27, 2011; therefore, the Department provides public notice that 401 Water Quality Certification has been issued for the construction, operation and maintenance of an encroachment or water obstruction as proposed in PASPGP-4 and that those projects were determined to comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313,

1316 and 1317). The Department has further certified that the construction, operation and maintenance of the projects complies with applicable State laws related to water quality protection and that the construction, operation and maintenance of the projects does not violate applicable State water quality standards provided that the construction, operation and maintenance of the projects complies with the criteria and conditions of PASPGP-4.

The Department further requires that this certification be subject to the following condition. Prior to beginning any activity covered by PASPGP-4, the applicant must obtain all necessary permits or approvals from the Department, including, but not limited to, those required by The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act, the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Oil and Gas Act (58 P.S. §§ 601.101—601.605), the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305), the Land Recycling and Remediation Standards Act (35 P.S. §§ 6026.101—6026.908) and the regulations promulgated thereunder including 25 Pa. Code Chapters 75, 78, 91—93, 95, 102, 105 and 260—299. Additionally, all environmental assessments required under these regulations, in addition to other regulatory requirements, must be complied with as a condition of Section 401 Water Quality Certification for the PASPGP-4.

Furthermore, the Department has concurred with the Army Corps of Engineers' determination that the use of the PASPGP-4 is consistent with the Coastal Resources Management Program of this Commonwealth. Copies of the PASPGP-4, the 401 Water Quality Certification and the Coastal Resources Management Program's consistency concurrence may be obtained by contacting Kenneth Murin, Chief, Division of Waterways, Wetlands, and Stormwater Management, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD).

Activities authorized by PASPGP-3, where the authorization did not expire prior to June 30, 2011, are reauthorized by the PASPGP-4 without further notice to the applicable Corps District provided the proposed regulated activities comply with all terms, conditions, limits and best management practices identified and required by the PASPGP-4 and the applicable Department authorizations. In addition, all special conditions attached to the original PASPGP-3 authorization are special conditions of the PASPGP-4 authorization. Requests for modification of the authorized work and/or special conditions must be submitted in writing to the applicable Corps District. The duration of these reauthorizations will be for the term of the PASPGP-4 (June 30, 2016) or the applicable Department Chapter 105 authorization, for Category I or II activities, or 5 years from the date of the PASPGP-3 Category III verification, whichever is less.

The proposed PASPGP-4 and Army Corps of Engineers public notices can be viewed on the Army Corps of Engineers web page at <http://www.nab.usace.army.mil/Wetlands%20Permits/>. Copies of the PASPGP-4 and the Army Corps of Engineers public notices may be obtained by contacting Mary Lou Martin, United States Army Corps of Engineers, Baltimore District, State College Field Office, 1631 South Atherton Street, State College, PA 16801 or (814) 235-0570.

Finally, since the PASPGP-4 is duplicative of some Nationwide Permits (NWP) and offers a more simplified

and streamlined regulatory process, the Army Corps of Engineers has suspended those NWPs, which are applicable to activities qualifying for PASPGP-4. Special Public Notice 07-37 dated September 11, 2007, further detailing the suspension of the NWPs, remains in effect. This public notice is available on the Baltimore District web site at [www.nab.usace.army.mil/Wetlands%20Permits](http://www.nab.usace.army.mil/Wetlands%20Permits).

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-1188. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient Credit Trading Program (Trading Program). These actions were taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about these actions or the Nutrient Credit Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, [aroda@state.pa.us](mailto:aroda@state.pa.us) or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").



The following certification requests have been approved by the Department. The approval of these requests is considered a final action of the Department.

**Wyoming Valley Sanitary Authority (P. O. Box 33 A, Wilkes-Barre, PA 18703).** This approval is applicable to the nutrient reductions generated from the treatment of nitrogen and phosphorous. This approval includes a verification plan, and authorizes the generation of 198,562 nitrogen reduction credits and 17,576 phosphorus reduction credits. This certification of annual credits is valid until September 30, 2015, as long as the pollution reduction activity is implemented maintained and verified under the terms and conditions contained in the certification. After September 30, 2015, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 2169 (April 23, 2011).

**Red Barn Trading Company (1383 Arcadia Road, Lancaster, PA 17601).** This approval is applicable to the nutrient reductions generated from the export of 240 tons of poultry manure from Cherry Crest Farms. This approval includes a verification plan, and authorizes the generation of 2,054 nitrogen credits and 47 phosphorus credits. This certification of annual credits is valid until September 30, 2015, as long as the pollution reduction activity is implemented maintained and verified under the terms and conditions contained in the certification. After September 30, 2015, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 2169.

**Red Barn Trading Company (1383 Arcadia Road, Lancaster, PA 17601).** This approval is applicable to the nutrient reductions generated from the export of 361 tons of poultry manure from Todd Rohrer's Farm. This approval includes a verification plan, and authorizes the generation of 3,131 nitrogen credits and 19 phosphorus credits. This certification of annual credits is valid until September 30, 2015, as long as the pollution reduction activity is implemented maintained and verified under the terms and conditions contained in the certification. After September 30, 2015, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 2169.

**Red Barn Trading Company (1383 Arcadia Road, Lancaster, PA 17601).** This approval is applicable to the nutrient reductions generated from the export of 210 tons of poultry manure from Earl Ray Zimmerman's Farm. This approval includes a verification plan, and authorizes the generation of 1,332 nitrogen credits and 33 phosphorus credits. This certification of annual credits is valid until September 30, 2015, as long as the pollution reduction activity is implemented maintained and verified under the terms and conditions contained in the certification. After September 30, 2015, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 2169.

**Red Barn Trading Company (1383 Arcadia Road, Lancaster, PA 17601).** This approval is applicable to the nutrient reductions generated from the export of 389 tons of poultry manure from Mark Rohrer's Farm. This approval includes a verification plan, and authorizes the generation of 3,374 nitrogen credits and 20 phosphorus credits. This certification of annual credits is valid until September 30, 2015, as long as the pollution reduction activity is implemented maintained and verified under the terms and conditions contained in the certification. After September 30, 2015, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 2169.

**Red Barn Trading Company (1383 Arcadia Road, Lancaster, PA 17601).** This approval is applicable to the nutrient reductions generated from the export of 623 tons of poultry manure from John Harnish's Farm. This approval includes a verification plan, and authorizes the generation of 3,195 nitrogen credits and 16 phosphorus credits. This certification of annual credits is valid until September 30, 2015, as long as the pollution reduction activity is implemented maintained and verified under the terms and conditions contained in the certification. After September 30, 2015, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 2169.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1189. Filed for public inspection July 15, 2011, 9:00 a.m.]

## Nutrient Credit Trading Program; Notice of Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to submitted certification requests from April 23, 2011, through July 1, 2011.

### Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request

must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

#### *Certification Requests*

The following requests are being reviewed by the Department. The Department will accept written comments on these proposed pollutant reduction activities for 30 days.

<i>Applicant</i>	<i>Pollution Reduction Activity Description</i>
Lycoming County Conservation District	This certification request is for credits to be generated from the pollutant reduction activity of off-stream watering with stream fencing, precision grazing and a installed riparian forested buffer for Client GrRLoT0001.
Lycoming County Conservation District	This recertification request is for credits to be generated from the pollutant reduction activity of manure export for Client WhCWaT0001.

#### *Written Comments*

Interested persons may submit written comments on these proposed pollutant reduction activities by August 15, 2011. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Ann Roda, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, aroda@state.pa.us.

For further information about these proposals or the Trading Program contact Ann Roda, at the previously

listed address or phone number or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1190. Filed for public inspection July 15, 2011, 9:00 a.m.]

### **Pennsylvania Advantage Grant Program Applications**

The Department of Environmental Protection (Department) announces the availability of grant funding in the seventh year of the Commonwealth's Advantage Grant Program for small business pollution prevention and energy efficiency projects. Small Business Advantage is a grant program providing up to 50% reimbursement grants, to a maximum of \$7,500, to enable a small business in this Commonwealth to adopt or acquire energy efficient or pollution prevention equipment or processes. Well designed energy efficient or pollution prevention projects can help small businesses cut costs and reduce the risk of potential regulatory problems, while simultaneously protecting the environment.

An eligible applicant must be a for-profit small business owner whose business or facility is located within this Commonwealth. All Commonwealth small businesses are eligible, including but not limited to manufacturers, retailers, service providers, mining businesses and agricultural concerns. The project to which the grant will apply must be located within the applicant's Commonwealth facility and save the business at least 25% annually in energy or pollution related expenses plus \$1,000.

For questions or concerns regarding the eligibility of a project, contact Dave Barnes, Office of External Affairs at (717) 782-8909 or at [epadvantagegrant@state.pa.us](mailto:epadvantagegrant@state.pa.us) before submitting an application. The Department will begin accepting applications for this program on July 25, 2011.

Applications are most quickly obtained from the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: SBAdvantage). Applications are also available by contacting the Department of Environmental Protection, Office of External Affairs, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 782-8909. The application package contains the materials and instructions necessary for applying for a grant.

Applications must be postmarked or hand delivered by 4 p.m. on August 29, 2011. Faxes or other electronic submissions will not be accepted.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1191. Filed for public inspection July 15, 2011, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Approval of Drugs Which May Be Used by Certain Optometrists**

Under the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.1—244.12), and specifically as the act

was amended by the act of December 16, 2002 (P. L. 1950, No. 225) (Act 225), the Secretary of Health (Secretary) has the authority to approve drugs for use in the practice of optometry as the "practice of optometry" is defined in Act 225. The State Board of Optometry resubmitted a request to the Secretary by letter received on June 2, 2011, and requested that the Secretary approve the use of the following drug. Act 225 requires that the Secretary, within 90 days of the receipt of the list of drugs, and in consultation with the Physician General, approve or disapprove for good cause each drug. The Secretary has found good cause to approve the use of the following drug in the practice of optometry:

alcaftadine ophthalmic solution 0.25%.

The approval of the use of this drug is effective upon publication of this notice in the *Pennsylvania Bulletin*.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact the Bureau of Community Program Licensure and Certification, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1192. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(a) (relating to kitchen):

Centre Crest  
502 East Howard Street  
Bellefonte, PA 16823  
FAC ID 031702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

Maple Farm  
604 Oak Street  
Akron, PA 17501  
FAC ID 22720201

These requests are on file with the Department of Health. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for

speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1193. Filed for public inspection July 15, 2011, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments to Qualifying Teaching Hospitals

The Department of Public Welfare (Department) is providing final notice of the funding allocation for Fiscal Year (FY) 2010-2011 for disproportionate share hospital (DSH) payments to qualifying teaching hospitals that provide psychiatric services to Medical Assistance recipients. There is no change in the current qualifying criteria or methodology for determining eligibility for these payments.

The Department published notice of its intent to allocate funding for these DSH payments to qualifying teaching hospitals at 40 Pa.B. 6845 (November 27, 2010). The Department received no public comments during the 30-day comment period, and will implement the changes described in its notice of intent.

#### Fiscal Impact

The FY 2010-2011 fiscal impact of this DSH payment is \$0.500 million (\$0.223 million in State funds).

GARY D. ALEXANDER,  
Secretary

**Fiscal Note:** 14-NOT-709. (1) General Fund; (2) Implementing Year 2010-11 is \$223,000; (3) 1st Succeeding Year 2011-12 is \$224,000; 2nd Succeeding Year 2012-13 is \$224,000; 3rd Succeeding Year 2013-14 is \$224,000; 4th Succeeding Year 2014-15 is \$224,000; 5th Succeeding Year 2015-16 is \$224,000; (4) 2007-08 Program—\$468,589,000; 2008-09 Program—\$426,822,000; 2009-10 Program—\$371,515,000; (7) Medical Assistance—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 11-1194. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Pharmacy Prior Authorization

The Department of Public Welfare (Department) announces it will add Nuedexta and Makena to the Medical Assistance (MA) Program's list of services and items requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of all prescriptions for Nuedexta and Makena dispensed on or after July 11, 2011.



The Department will issue MA Bulletins to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for the previously listed medications.

#### *Fiscal Impact*

It is estimated that the change will result in savings in the MA Outpatient Program of approximately \$0.862 million (\$0.386 million in State funds) in Fiscal Year 2011-2012.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-704. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1195. Filed for public inspection July 15, 2011, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Eastern Bradford Rod and Gun Club	Haigh Pond	Pike Township Bradford County	31.25-acre lake which discharges into Johnson Creek and eventually the Susquehanna River	Potamogeton crispus Potamogeton natans, Nymphaea spp.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-1196. Filed for public inspection July 15, 2011, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Homeowner's Emergency Mortgage Assistance Program; Unavailability of Funds

Under section 409-C of the Housing Finance Agency Law (act) (35 P.S. § 1680.409c), the Housing Finance Agency (Agency) has previously provided notice that it will have insufficient money available in the Homeowner's Emergency Mortgage Assistance Program (Fund) to accept new applications for emergency mortgage assistance on or after July 1, 2011. The notice was published at 41 Pa.B. 2789 (May 28, 2011).

The act provides that the Agency establish a date certain, which is at least 90 days from the date of the notice, after which mortgagees shall no longer be subject to the provisions of Article IV-C of the act (35 P.S. §§ 1680.401c—1680.412c). This supplement to the notice establishes the date certain to be August 27, 2011. At any time on or after August 27, 2011, mortgagees may take

legal action to enforce the mortgage without any further restriction or requirement of the act without respect to the date upon which a mortgage obligation becomes delinquent.

This notice does not affect the requirement to give notice before accelerating the maturity of certain residential mortgage obligations, beginning any legal action including mortgage foreclosure to recover under the obligations or take possession of any security of the residential mortgage debtor for the residential mortgage obligations as provided by section 403 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 403), for which the Department of Banking, by regulation, has promulgated a model notice that may be found at 10 Pa. Code § 7.4 (relating to notice of intention to foreclose mortgage). Nor does it affect any additional notices, required by local, State or Federal laws, rules or regulations.

Additional information on funding availability may be available at [www.phfa.org](http://www.phfa.org) and all mortgagors and mortgagees are encouraged to visit the web site for updated status and information.

The Agency continues to have available funds in the Federal Emergency Homeowners' Loan Program (EHLF) for qualifying mortgagors. Additional information about EHLF is available at [www.phfa.org](http://www.phfa.org).

BRIAN A. HUDSON, Sr.,  
*Executive Director*

[Pa.B. Doc. No. 11-1197. Filed for public inspection July 15, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval of Proposed Merger of Harleysville-Atlantic Insurance Company with and into Harleysville Worcester Insurance Company

Harleysville-Atlantic Insurance Company, a Georgia domiciled stock property and casualty insurance company, has filed an application for approval to merge with Harleysville Worcester Insurance Company, a domestic stock casualty insurance company, with Harleysville Worcester Insurance Company surviving the merger. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413); 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets); and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21204).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [syerger@state.pa.us](mailto:syerger@state.pa.us).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1198. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Application for Approval of Proposed Merger of Harleysville Insurance Company of Ohio with and into Harleysville Worcester Insurance Company

Harleysville Insurance Company of Ohio, an Ohio domiciled stock property and casualty insurance company, has filed an application for approval to merge with Harleysville Worcester Insurance Company, a domestic stock casualty insurance company, with Harleysville Worcester Insurance Company surviving the merger. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413); 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets); and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21204).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department

(Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [syerger@state.pa.us](mailto:syerger@state.pa.us).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1199. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Progressive Specialty Insurance Company; Progressive Preferred Insurance Company; Private Passenger Automobile; Rate Revisions

On June 21, 2011, the Insurance Department (Department) received from Progressive Specialty Insurance Company and Progressive Preferred Insurance Company a filing for a rate level change for Private Passenger Automobile insurance.

Progressive Specialty Insurance Company requests an overall 3.1% increase amounting to \$2,965,265 and Progressive Preferred Insurance Company requests an overall 3.3% increase amounting to \$1,001,519 to be effective on July 22, 2011, for new business and August 31, 2011, for renewal business. These overall figures represent averages; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to August 20, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1200. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administra-

tive Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Raphael and Brigid Chieke; file no. 11-181-103653; Property and Casualty Insurance Company of Hartford; Doc. No. P11-06-024; August 17, 2011, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1201. Filed for public inspection July 15, 2011, 9:00 a.m.]

### **Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Loye L. and Sarah E. Ray; file no. 11-188-103088; United Services Automobile Association; Doc. No. P11-06-025; August 16, 2011, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1202. Filed for public inspection July 15, 2011, 9:00 a.m.]

### **State Farm Fire and Casualty Company; Homeowners; Rate and Rule Revision**

On June 30, 2011, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level change for homeowners insurance.

The company requests an overall 2.8% increase amounting to \$12,978,788 annually, to be effective November 15, 2011, for new business and January 1, 2012, for renewal business. These overall figures represent averages; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to July 30, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [xl@state.pa.us](mailto:xl@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1203. Filed for public inspection July 15, 2011, 9:00 a.m.]



## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 205.27—Implementation of Act 194-1990, Asbestos Occupations Accreditation and Certification Act, Amended June 20, 2011.

Management Directive No. 315.6—Employees' Requests for State or Federal Income Tax Withholding, Amended May 24, 2011.

Administrative Circular No. 11-11—Revenue Estimates, 2011-12 and 2012-13 Fiscal Years, Dated June 21, 2011.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 11-1204. Filed for public inspection July 15, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas

**A-2010-2200201. Peregrine Keystone Gas Pipeline.** Application of Peregrine Keystone Gas Pipeline for approval of a nonexclusive basis to begin to offer, render, furnish or supply natural gas gathering, compression, dehydration and transportation or conveying service by pipeline to the public in all municipalities located in Greene and Fayette Counties and in East Bethlehem Township, Washington County.

#### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

**Date:** Wednesday, August 31, 2011  
**Time:** 10 a.m.  
**Location:** Hearing Room 2  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
**Presiding:** Administrative Law Judge Susan D Colwell  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility

Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

\* Scheduling Office: (717) 787-1399

\* Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988  
ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1205. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Natural Gas Service

**A-2011-2250138. Columbia Gas of PA, Inc.** Application of Columbia Gas of PA, Inc. for approval of the abandonment of natural gas service to eight natural gas service customers located in Greene County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 1, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Columbia Gas of PA, Inc.

*Through and By Counsel:* Kimberly S. Cuccia, Esquire, Theodore J. Gallagher, Esquire, NiSource Corporate Services Company, Southpointe Industrial Park, 121 Champion Way, Suite 100, Canonsburg, PA 15317

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1206. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Natural Gas Service

**A-2011-2250293. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas services to one natural gas service customer located in McCalmont Township, Jefferson County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 1, 2011. The documents filed in support of the application are available for

inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* National Fuel Gas Distribution Corporation

*Through and By Counsel:* Christopher M. Trejchel,  
P. O. Box 2081, Erie, PA 16512

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1207. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 1, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Application of the following for approval to *begin operating as contract carriers for transportation of persons* as described under the application.

**A-2011-2247918. Ride Right, LLC** (16 Hawk Ridge Drive, Lake St. Louis, MO, 63367)—a limited liability corporation of the State of Missouri—for Medical Transportation Management, Inc. (MTM), limited to persons requiring service under MTM's contract with Gateway Health Plan, LP, from points in the Counties of Allegheny, Northampton, Lehigh, Lancaster, Westmoreland and Berks, to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. S & V Cab Co.;  
Doc. No. C-2010-2132483; A-00116863*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That S & V Cab Co., Respondent, maintains a principal place of business at 1100 Spring Garden Street, Philadelphia, PA 19123.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on June 14, 2000, at A-00116863.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The Bureau of Transportation and Safety's Motor Carrier Services and Enforcement Prosecutory Staff's proposed civil penalty for this violation is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine S & V Cab Co., the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a

Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Saint Cab, Inc.;  
Doc. No. C-2010-2132488; A-00112474*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Saint Cab, Inc., Respondent, maintains a principal place of business at 5621 Montour Street, Philadelphia, PA 19123.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on January 24, 1996, at A-00112474.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service

which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The Bureau of Transportation and Safety's Motor Carrier Services and Enforcement Prosecutory Staff's proposed civil penalty for this violation is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Saint Cab, Inc., the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement Division  
Bureau of Transportation and Safety

### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:



Compliance Office, Bureau of Transportation and Safety  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Sarajone Cab Co.; Doc. No. C-2010-2133687; A-00116866*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Sarajone Cab Co., Respondent, maintains a principal place of business at 166 Ardmord Avenue, Lansdowne, PA 19050.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on June 26, 2000, at A-00116866.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The Bureau of Transportation and Safety's Motor

Carrier Services and Enforcement Prosecutory Staff's proposed civil penalty for this violation is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Sarajone Cab Co., the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement Division  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1208. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Telecommunications Service

**A-2011-2249746; A-2011-2249749; A-2011-2249751; A-2011-2249752; A-2011-2249753; A-2011-2249754. Spectrotel, Inc., d/b/a One Touch Communications, d/b/a Surf-tone, d/b/a Touch Base Communications.** Application of Spectrotel, Inc., d/b/a One Touch Communications, d/b/a Surf-tone, d/b/a Touch Base Communications for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of: Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Oswayo River, LLC, Frontier Communications of Pennsylvania, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 1, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Spectrotel, Inc., d/b/a One Touch Communications, d/b/a Surf-tone, d/b/a Touch Base Communications

*Through and By Counsel:* Brian T. FitzGerald, Esquire, Dewey & LeBoeuf, LLP, 99 Washington Avenue, Suite 2020, Albany, NY 12210

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1209. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Transmission Lines

**A-2011-2247862. Penelec.** Application of Penelec for approval to locate and construct the Bedford North-Osterburg East 115 kV HV transmission line project situated in Bedford and East Streets, Clair Townships, Bedford County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before Tuesday, August 23, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania Electric Company

*Through and By Counsel:* John L. Munsch, First-Energy, 800 Cabin Hill Drive, Greensburg, PA 15601

Anthony C. DeCusatis, Morgan, Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103

ROSEMARY CHIAVETTA,  
*Secretary*

### Notice

An Initial Prehearing Conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, August 30, 2011  
*Time:* 10 a.m.  
*Location:* 2nd Floor Hearing Room—Pittsburgh Parties  
 Piatt Place  
 Suite 220  
 301 Fifth Avenue  
 Pittsburgh, PA 15222  
*Location:* Hearing Room 4—Harrisburg Parties  
 Plaza Level  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA  
*Presiding:* Administrative Law Judge Mary D Long  
 Piatt Place  
 Suite 220  
 301 Fifth Avenue  
 Pittsburgh, PA 15222  
 Phone: (412) 565-3550  
 Fax: (412) 565-5692

Persons with a disability who wish to attend the prehearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for

their special needs. Call the scheduling office at the Commission at least 2 business days prior to the conference:

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 11-1210. Filed for public inspection July 15, 2011, 9:00 a.m.]

### Water Service

**A-2011-2250344 and A-2011-2250345. Aqua Pennsylvania, Inc. and Sand Springs Water Company.** Joint application of Aqua Pennsylvania, Inc. and Sand Springs Water Company for approval of: 1) the acquisition by Aqua PA of the water system assets of Sand Springs Water Company, situated in a portion of Butler Township, Luzerne County; 2) the right of Aqua PA to begin to supply water service to the public in an additional portion of Butler Township, Luzerne County; and 3) the right of Sand Springs Water Company to abandon public water service to the public in a portion of Butler Township, Luzerne County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 1, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc. and Sand Springs Water Company

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

Joseph J. Piperato, III, Esquire, 2005 City Line Road, Suite 106, Bethlehem, PA 18017

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1211. Filed for public inspection July 15, 2011, 9:00 a.m.]

## STATE BOARD OF VETERINARY MEDICINE

### Bureau of Professional and Occupational Affairs v. Stephanie Ashley Roseman, CVT; Doc. No. 0153-57-11

On June 16, 2011, Stephanie Ashley Roseman, license no. VT004355, of Levittown, Bucks County, had her veterinary technician license indefinitely suspended for at least 3 years for having violated the terms of her VRP Agreement.

Individuals may obtain a copy of the final order by writing to Teresa Lazo, Board Counsel, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Veterinary Medicine's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ROBIN BERNSTEIN, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 11-1212. Filed for public inspection July 15, 2011, 9:00 a.m.]



